

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, August 2, 2022**

**5:00 PM**

**Regular**

**Commission Chambers**

## C. PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

### E.1. Resolution acknowledging Maddox Scott Jurgensen has achieved the rank of Eagle Scout

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-068, recognizing and congratulating Maddox Scott Jurgensen for his outstanding achievements with the Boy Scouts of America.

Maddox Scott Jurgensen expressed his appreciation to Commissioner Smith and the rest of the Board; he stated this speech will not be like any other speech he has given; and he read, "Dear World and the great people of it, I would not be standing here without the opportunities I have been given, and I am so happy I took advantage of them. From playing soccer, being part of many clubs, being part of such an amazing family, being a Boy Scout, and honestly, my favorite opportunity, having a chance to be myself. I know I said this speech would not be like any other, but I cannot resist putting in a quote. Instead of quoting Jessie Ventura, I decided to quote a former president with my all-time favorite quote, 'My fellow Americans, ask not what your country can do for you, but what you can do for your country.' John Fitzgerald Kennedy. I've always taken this quote and used it in my life to help others and think for more than just myself. Again, would like to thank Curt Smith and the rest of the County Commission. Here is the next adventure I take on in my life. Starting next week, as I leave for Coast Guard boot camp, I ask that whenever you see an American flag, you just look at it and take the time to thank all our military veterans and future military. Thank you."

Commissioner Pritchett stated she wants Mr. Jurgensen to know the Board is very proud of him; it is no small thing of what he has accomplished; and she also wants to thank him for signing up to defend this great nation and the people.

Chair Zonka expressed her appreciation to Maddox; and she stated the Board appreciates everything he has done.

**Result:** ADOPTED

**Mover:** Curt Smith

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

### E.2. Resolution Honoring Ms. Myra Igo Haley

Commissioner Tobia read aloud, and the Board adopted Resolution No. 22-069, acknowledging the life of Ms. Myra Igo Haley for her positive impact on Brevard County through her highly successful ventures and philanthropic activities.

Commissioner Tobia stated he had the pleasure of working with Ms. Haley when it came to Florida State College, he is a graduate of Brevard Community College, and she was a strong advocate, not only for nursing, but the first two years of college; it was a pleasure working with her; people often hear she is the type of woman he or she would want his daughter to grow up to be; and that is not true, it is daughters, sons, and everything in between. He went on to say their mom is a model citizen, and he was privileged to spend a little time with her; Brevard

County is a better place because of all she did for those in need and those bettering themselves; and he thanked her children for sharing their mom with Brevard County.

**Result:** ADOPTED

**Mover:** John Tobia

**Secunder:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.1. Stormwater Program Interlocal Agreement, Re: Allowing City of West Melbourne to Continue to Administer and Manage the City's Stormwater Program**

The Board approved and authorized the Chair to sign the Stormwater Program Interlocal Agreement with City of West Melbourne, allowing the City to continue to administer and manage the City's Stormwater Program.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.2. Approval of Resolution and Real Estate Contract for Sale of Property In County-Owned Commerce Park in Titusville**

The Board approved and adopted Resolution No. 22-070; approved and executed Real Estate Contract with Scientific Lightning Solutions, Limited Liability Company, permitting the sale of approximately 2.7 acres of land in the County-owned Spaceport Commerce Park in Titusville for \$121,500 (or \$45,000 per acre) to the company known as Scientific Lightning Solutions, Limited Liability Company; and authorized the Chair to execute all documents in connection thereof.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.3. Legislative intent and permission to advertise an amendment to the Brevard County Code of Ordinances modifying Section 110-141, pertaining to refunds and fees.**

The Board approved legislative intent and granted permission to advertise amendment to the Brevard County Code of Ordinances modifying Section 110-141, pertaining to refunds and fees.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.4. Approval of Resolution for Termination of Resolution 2000-033 - Reclaimed Water Infrastructure Credit**

The Board approved and adopted Resolution No. 22-071, rescinding Resolution No. 2000-033 – Reclaimed Water Infrastructure Credit, effective at the date of this Board meeting.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.6. Confirmation, Re: New Member to Board of Directors of Golf Brevard, Inc. (District 3)**

The Board confirmed William Crudo as a member to Board of Directors of Golf Brevard, Inc.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**F.7. Resolution, Re: Calling for Referendum Election to Consider a Charter Amendment Amending Term Limits for Barefoot Bay Recreation District Board of Trustees.**

The Board approved and adopted Barefoot Bay Resolution No. 22-002, calling for a referendum election for the electors of Barefoot Bay recreation District to consider an amendment to the Barefoot Bay Recreation District Charter amending term limits for members of the Board of Trustees.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**F.8. Resolution, Re: Calling for Referendum Election to Consider a Charter Amendment Amending the Barefoot Bay Recreation District Board of Trustees' Spending Limit for the Acquisition of Real and Personal Property.**

The Board approved and adopted Barefoot Bay Resolution No. 22-003, calling for a referendum election for the electors of Barefoot Bay Recreation District to consider an amendment to the Barefoot Bay Recreation District Charter amending the Board of Trustees' spending limit for real and personal property acquisition.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**F.9. Acceptance and Approval of Internal Audit Reports.**

The Board acknowledged and approved the Internal Auditors' Reports.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**F.10. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**F.11. Appointment(s) / Reappointment(s)**

The Board acknowledged appointment of Robert Dale Rhodes to the Board of Adjustment, with term expiring August 2, 2023.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.12. County Manager's Agreement**

The Board considered and approved the updated County Manager's Agreement.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.13. Permission to Advertise for a Public Hearing to consider application for the FY21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, JAG-Countywide (JAGC) Solicitation**

The Board granted permission for the Brevard County Sheriff's Office to advertise for a public hearing to consider the FY2021 Edward Byrne Memorial Justice Assistance Grant (JAGC) application.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**F.14. Resolution recognizing the Marine Corps League Brevard County Detachment #513.**

The Board approved and adopted Resolution No. 22-072, recognizing the Marine Corps League, Brevard County Detachment #513, on its 40th Anniversary of service for veterans and the community.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**G. PUBLIC COMMENT**

Anita Killen stated she is an advocate for registered citizens and their families, and she serves on the Brevard County Re-Entry Task Force; she attended the May 17, 2022, Board meeting when there was a discussion by the Commissioners on the recidivism rate of registered citizens; she was politely reminded that her time was up before she had the chance to correct each of the Board Members on the idea that the recidivism rate of registered citizens is quote, "through the roof;" she does not know where the Board is getting that information, or if it was made up for shock value, but she has submitted to the Board a handout that summarizes 34 studies, including the U.S. Department of Justice, which is a nine-year study of recidivism rates of citizens with past sexual offenses; and also 29 individual states, including Florida, in which the recidivism rate was reported as 5.2 percent. She went on by saying the average is between one and seven percent; that means between 93 and 94 percent of the individuals are not reoffending; it also says between 93 and 99 percent of the new offenses are being committed by people who are not on the sex offense registry; here everyone is going through a lot of effort to revoke on a failed policy that is a subject of a current lawsuit against Brevard County; and if a business wants to self-certify as a park, she says to let them. She noted their decision should not be forced onto the businesses that are surrounding them by 1,000 feet, and what procedures that are in place by that business that self-certifies to prevent persons not on the registry from committing a sexual offense in their park; it puts Brevard County in a position of tortious interference; she had to look that up, she was looking for a term that meant when an entity intentionally interferes with a business; she asked when it became legal for a governmental body who can and cannot shop in their store, who can or cannot use their services; she stated regarding why they are really here today, it is to discuss an amendment

that passed illegally in 2020 for which Brevard County is currently being sued for that action; and it was unconstitutional then, and it is unconstitutional now. She pointed out the Board denied people who wanted to speak at the meeting from attending then, and it has denied people again today, because there are individuals who wanted to attend today but because of a 24-hour time limit, they were denied access; the self-certified registry that passed two years ago, there is no one on that registry; she cannot find it anywhere; it is not on the County's website; the Sheriff's Department does not know anything about it; but yet, they are here wasting time voting on it again. She asked the Board to please consider potential damages to Brevard County and to use those resources for education.

Barbara Harris stated she is going to read to the Board a letter sent regarding the opposition to the proximity ordinance amendment; and people in other states are talking about what goes on in Florida. She read, "Dear Commissioners, this ordinance is anti-business, unfair, and likely unconstitutional. The unintended consequences to businesses who choose not to participate is not likely to be popular. In the time of post-pandemic economy, businesses are trying to recover and should not be forced to lose patrons because someone 800 feet away, in another business, partakes in that option to forbid registered citizens from patronizing their establishment. I am ashamed of how we treat citizens who have paid the price for their mistake, and yet continue to be punished for the rest of their lives. It is not the American way to hold someone continuously accountable for something they have already made restitution for. If we truly are a Christian nation, then mercy and forgiveness, along with second chances, are all part of our founding fathers for life, liberty, and the pursuit of happiness. That's not lost by anyone else who commits a crime, so why for this population specifically? Shame on whoever thought of this nonsense and shame on anyone who kowtows to go along with it."

**H.1. Petition to Vacate, Re: Public Utility & Drainage Easements- 2490 Sweetwater Court - "Sweetwater Downs" Plat Book 35, Page 81 - Mims - Francis J. Sidoti - District 1**

Chair Zonka called for a public hearing to consider a petition to vacate public utility and drainage easements in Sweetwater Downs, Plat Book 35, Page 81, Mims, as petitioned by Francis J. Sidoti.

Marc Bernath, Public Works Director, stated this is a public utility and drainage easement for 2490 Sweetwater Court; Mr. Sidoti in District 1 is requesting the vacating of a portion of two 10-foot wide public utility and drainage easements lying between two lots for the construction of a single-family home; and there are no issues.

There being no comments or objections, the Board approved and adopted Resolution No. 22-073, vacating public utility and drainage easements at 2490 Sweetwater Court, Mims, as petitioned by Francis J. Sidoti.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.2. Petition to Vacate, Re: Public Utility Easements- 1751 N. Carpenter Road - "Sherwood Estates Unit Number 4" Plat Book 19, Page 67 - Titusville - Nicholas S. Townsend - District 1**

Chair Zonka called for a public hearing to consider a petition to vacate public utility easements in Sherwood Estates Unit Number 4, Plat Book 19, Page 67, in Titusville, as petitioned by

Nicholas S. Townsend.

Marc Bernath, Public Works Director, stated this is a public utility easement for 1751 N. Carpenter Road, Sherwood Estates, for Mr. Townsend, District 1; requesting the vacating of a portion of two five-foot wide public utility easements lying between two lots to allow an existing single-family home to be removed as an encroachment; and there are no issues.

There being no comments or objections, the Board approved and adopted Resolution No. 22-074, vacating public utility easements at 1751 N. Carpenter Road, Titusville, as petitioned by Nicholas S. Townsend.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.3. Petition to Vacate, Re: Public Utility & Drainage Easement- 912 Harbor Pines Drive - "Harbor Pines" Plat Book 35, Page 26 - Merritt Island - Shawn & Jody Overdorf - District 2**

Chair Zonka called for a public hearing to consider a petition to vacate a public utility and drainage easement at 912 Harbor Pines Drive, Merritt Island, as petitioned by Shawn and Jody Overdorf.

Marc Bernath, Public Works Director, stated this is a public utility and drainage easement for 912 Harbor Pines Drive, Merritt Island; Mr. and Mrs. Overdorf, District 2, are requesting the vacating of a five-foot portion of a 10-foot wide public utility and drainage easement for the construction of a pool; and there are no issues.

There being no comments or objections, the Board approved and adopted Resolution No. 22-075, vacating a public utility and drainage easement at 912 Harbor Pines Drive, Merritt Island, as petitioned by Shawn and Jody Overdorf.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconder:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.4. Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County - Public Hearing.**

Chair Zonka called for a public hearing to consider an ordinance for extension of a temporary moratorium on new applications of biosolids to lands within Brevard County.

Amanda Elmore, Natural Resources Management Deputy Director, stated this Item is a public hearing for an extension of the biosolids application moratorium; the original Ordinance was enacted October 2019; typically, the County has done 180-day extensions; but staff was asked to look into a longer extension; and this is proposed for this one.

There being no comments or objections, the Board conducted a public hearing and adopted Ordinance No. 22-19, authorizing an extension of temporary moratorium on any new applications of Biosolids to lands within Brevard County for 365 days.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.5. Resolutions RE: Adoption of Solid Waste Special Assessments, Fees and Charges and Ratification, Confirmation and Certification of the Solid Waste Special Assessment Rolls.**

Chair Zonka called for a public hearing to consider adoption of Solid Waste Special Assessments, Fees, and Charges and Ratification, Confirmation, and Certification of the Solid Waste Assessment Rolls.

Tom Mulligan, Solid Waste Management Director, stated this Item is requesting three actions from the Board; the first action is the adoption of the Solid Waste Disposal Special Assessment Rate resolution for Fiscal Year 2023; that includes an increase that was approved by the Board on July 12, 2022; the second action is to adopt the Annual Solid Waste Collection Recycling and Container resolution; and that includes a three percent increase as per the contract with Waste Management. He went on to add the third action is to Ratify and Confirm and Certify the Annual Disposal Collection and Recycling and Special Collection Rolls to the Brevard County Tax Collector.

There being no comments or objections, the Board conducted a public hearing and adopted Resolution No. 22-076, approving the Annual Solid Waste Disposal Special Assessment Rate Resolution with an increase of \$5.13 per residential billing unit, and \$14.81 per commercial billing unit; adopted Resolution No. 22-077, approving the Annual Solid Waste Collection and Recycling Special Assessment Rate Resolution and Special Rate and Charges for Improved Non-Residential Property and Compensation Rates that may be charged by the Collector with an increase of three percent; and adopted Resolution No. 22-078, for Ratifying, Confirming, and Certifying the Annual Disposal, Collection and Recycling Special Assessment Rolls to the Brevard County Tax Collector.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.6. Proposed Amendments to Brevard County Code of Ordinances, Section 74, Article VI Brevard County Code, pertaining to restrictions for sexual offenders and sexual predators.**

Chair Zonka called for a public hearing to consider proposed amendments to Brevard County Code of Ordinances, Section 74, Article VI, Brevard County Code, pertaining to restrictions for sexual offenders and sexual predators.

Christine Schverak, Interim County Attorney, stated this Item is requesting the Board to amend Section 74, Article VI, of the Brevard County Code, pertaining to restrictions for sexual offenders and sexual predators; it establishes a business self-certification registry by amending the definition of park in Section 74-101, and creating a Section 74-102.5, Business Self-Certification Registry; and it also amends Section 74-102, to provide limited exceptions that permit a sexual offender and sexual predator to conduct official business at a Brevard

County or municipal government office, and to be able to attend public meetings.

Vincent Rinaldi stated to be clear of what is being done this evening, the Board is reconsidering and re-voting on the business self-certification amendment to ordinance No. 74-102.5, an amendment that was just passed in August 2020; the only reason the Board is doing this tonight is because back in August 2020 when the Commission first voted on it, the Sunshine Law was violated because it intentionally excluded from that meeting people who are required to register under Florida Law; they had to go to federal court and sue the County to appear here tonight to protect the rights of all people, to stand and speak before their elected representatives on important issues; for years, people who were required to register have been easy political targets, and laws like the Board is voting on tonight have been used for personal, political gain; and they know what is going on and they can no longer be silenced by excluding them from the public meeting. He continued to say he was here in May with several other individuals who spoke about the proximity ordinance; after they left the dialogue continued amongst the Commissioners as evidenced by the video of the entire proceedings; the consensus was to enact regulations to always protect the children; this is commendable and he agrees; however, preventing him to go to CVS to pick up a prescription does not do that, in fact, it put he and his partner in danger. He asked how does preventing him from taking his life partner to the hospital protect children; he pointed out it does not; he stated the proposal regarding business self-certification raises the same questions; he asked how does allowing a business to define themselves as a park protect children; he stated it does not; and it only serves to deny other businesses in the area their legal right to conduct their business. He explained an example of this might be a liquor store self-declaring; children do not congregate at liquor stores; perhaps a hardware store, a gas station self-declares; these too are not areas where children congregate; and these draconian measures are nothing more than punishment for a crime the Board thinks may be committed. He stated it is not the Board's job or the right to meet their punishment; this is the courts responsibility; when a person is released from prison, and completes their probation, they reenter society with the same constitutional rights still intact; as such, they enjoy the same rights to the pursuit of life, liberty, and happiness as the Board Members do; he was going to speak about recidivism rates, but Ms. Killen spoke very well about that; and he is going to skip that part. He stated upon looking at all of the facts, he is sure a reasonable person would conclude that a business being allowed to self-declare as a park for the business of prohibiting registered citizens from being 1,000 feet of said business does not protect children in the least; in addition, any reasonable person who read all of the dozens of studies conducted by reputable people would conclude that recidivism rates of registered sex offenders are very low and not through the roof as previously stated; he would also argue that a reasonable person would agree that going to CVS or a hospital does not threaten children in any way; perhaps going to a gas station or liquor store would also fall into the category; and coming here is not a threat to children either. He noted the proximity law is not right, does nothing to protect anyone, and is against every constitutional right he has as an American citizen, and should be repealed immediately.

Charles Munsey, Jr. stated regardless of how the Board votes tonight on this amendment, and he is asking the Board to vote against it, tonight is a victory for the First Amendment, Florida's Sunshine Law, and all the people of Brevard County; the only reason the Commission is holding this vote tonight is because they sued the County in Federal court to enforce their constitutional right to attend and speak at public meetings; tonight is a replay of the same vote the Board took in August 2020 when it first passed the very same law; and tonight, unlike two years ago, this meeting is open to everyone, including people who are required to register under Florida Law. He went on by saying they can no longer be silenced and their voices are loud and clear, laws like this make no sense and solve no problem; he owns his home in Port St. John, he is a Florida taxpayer, and he is a 29-year military veteran; he sold his home in

Virginia Beach and built his retirement home in Brevard County; he moved here to help his ailing parents, both of whom since passed away; and his children and their families now live in Brevard County. He noted he met his wife in the Navy in 1974, they were married in 1976, and they were married for 20 years; he retired in 1991 and she in 1993; they looked forward to an active retirement; in 1996, cancer claimed her; he was brought up in a Pentecostal church, and had deep religious convictions; and her death challenged those convictions, and for four years he found himself questioning his faith. He stated during that time he made a bad decision, had a failure that went so much against his character; this happened in Virginia; he paid his debt to society in Virginia; he has been removed from the Virginia registry; and when he moved to Florida he unfortunately started this evolution all over again, even though he has never committed a crime in Florida. He pointed out he was removed from probation 11 years early; he has always been involved with community affairs wherever he has lived, and have never been a community threat; he now lives in a great community and has wonderful neighbors; he cannot understand why this amendment is even being considered; and it solves no problem, it makes no one safer, it interferes potentially with adjoining businesses, and it just may fall into the category of intentional interference or vicarious negligence. He asked the Board if this is what it really wants; he asked that the Board carefully consider facts; and he stated the Commission was provided 13 letters in the past containing these facts.

James Martin stated he has been a proud member of Brevard County and retired Air Force for a very long time; what is going on with this Board is very disturbing to him; it is capricious; it is out of control; and it is not constitutional. He went on to say someone has a vendetta, and it needs to stop because it is going to cost the County taxpayers money; the County is already being sued and it is going to happen again; whatever the Board does tonight, to count on who is voting, because he is going to vote he or she out; he reiterated this is wrong; he spent his whole life defending the Constitution; and this is not it.

Howard Ofner stated the Board is trying to pass the same failed policy again; he was here in 2020; his son is a registered sex offender, and he is not; but he does have a phone; he is not a dog; but he is treated like one. He went on by saying he has ruined his life; he asked why is the Board putting taxpayers through this a second time when it failed the first time; he stated Anita has tried numerous times to find any businesses that signed up for this; the Sheriff and the County Commission have no listing of any business that has signed up for this; and he asked how someone knows to go to Starbucks on U.S. 192 to get a coffee, and get put in jail for the rest of their lives for something they may have done 20, 30, 40, or 50 years ago. He inquired how much it will cost Brevard County taxpayers in lawsuits once businesses understand that Brevard County is intentionally interfering with the businesses and threatening arrest of certain persons who are trying to patronize the business; he suggested the County put those tax dollars to better use in schools, help educate the children and parents on sexual abuse that happens in the schools and in the home by people they know, not strangers on a list; statistically they are less likely to offend; and Anita has talked about this forever. He noted the Board does not seem to care; and he asked the Board to vote no on this amendment.

Julie Martin stated for the past 16 years she has housed sexual offenders; she has seven different properties; she currently houses 70 sex offenders; she deals with them every day; and she will house 70 tomorrow, and she will house 70 the next day. She pointed out they are not what the Board thinks they are; peeing on the side of the road as a contractor is a sex offender; there are some people who are not pretty people; it is not happy to talk about; and she understands that. She explained the more restrictions the Board puts on people, the more desperate it makes them; the more desperate it makes them, the more problems that will be had in Brevard County; they are going to live here; they have to live here; and they live in every county in Florida. She stated they are not going anywhere; the more difficult it is made for

them, the more ability that is going to be given to them to actually commit a crime; when they do commit a crime, it is not that they had another sex crime; they failed to register because they were living in the woods; they did not do something on time; they did not put their tag on properly when they went to register; and that means they reoffend. She noted that is why the Board thinks they are reoffending; that is why it thinks the recidivism is high; every time that they do something that is a technical difficulty, it looks like their crime is committed all over again; it is not; and the Board needs to understand what the law is, what the Sheriff does to them, and how it is listed for them. She stated she understands this because it is what she does every day; she reiterated the more difficult the County makes it on them, the more difficult it will be in the County every day; she had a property here, she had six people living in it; the neighbors did not like it, everybody was working, everybody was successful, there were no problems; and they decided there was a park down the street. She stated it was not a park it was a drainage ditch; it is still not a park today seven years later; they gave her guys 48 hours to get out; it put them in a desperate situation; the County will have crimes committed that are worse; and what looks like recidivism is not. She asked the Board to educate itself properly, because it is calling something wrong.

Chair Zonka stated the Board keeps hearing about recidivism; she asked to be excused for a second; the Department of Justice has data of sexual recidivism rates of child molesters; after five years of boys molested, 23 percent after five years; after 10 years, 27.8 percent; and after 15 years, 35 percent. She went on to say sexual offenders who molested girls, 9.2 percent after five years; 13.1 percent after 10 years; 16.3 percent after 15 years; committed incest, 6.4 percent after five years; 9.4 percent after 10 years; and 13.2 percent after 15 years. She added she is not making these numbers up; maybe people are okay with numbers like 315 molested boys after five years; another 105 after 10 years; another 95 after 15 years; she could keep going through the numbers; and these are not made up numbers, not agenda-driven data, this is from the Department of Justice. She pointed out these are sexual recidivism rates of sexual crimes, not people forgetting a tag or shoplifting; that is all of her input; she thinks she has spoken pretty passionately on this item; she wishes people would stop calling themselves registered citizens; to call them registered sex offenders, or registered predators, which is really what they are; and they are proud to be here and to demand rights.

Commissioner Tobia stated he agrees with what some of the speakers said, this is very similar to the ordinance that came to the Board previously; he wants to point out a couple of minor differences; parks is redefined as all publicly owned or operated property and private property specifically designed as being used for recreational purposes, and where children regularly congregate, so that is a slight change; secondly, he asked the Board to amend this where it makes Parks and Recreation as the collector of data; to add in the ordinance, the address of the Administrative Department of the Parks and Recreation office in Viera, as well as where all of those businesses can register; and the folks who came up to speak are absolutely right, this came out of his office. He expressed his appreciation to the Board for its support, as well as the Sheriff who was also helpful in getting this into place; he dropped the ball, businesses are very busy and not sitting around and watching the Commission; that should have fallen to his office; and tomorrow he will get a list of those offices to let them know they now have the opportunity to register, because no one had, it is his fault, and he thanks them for bringing that to his attention, so together they can keep children in a safer place. He advised he feels a lot better when law enforcement is around them.

Commissioner Pritchett stated she wants to make a couple of observations; when the Board did the first ordinance, the spirit of that was never to keep anybody from doing public communications, that is why the Board needed to fix it; he or she should be able to represent themselves in front of their elected officials; and in doing that, the Board realized there was a

school close by, so it had to make some changes so that people could contact the Sheriff to be able to come in here. She went on to say as far as unconstitutional, it is constitutional; a person has to register to go to schools; she asked if that is unconstitutional; she asked is it unconstitutional to register to go to day cares; and she stated that is not unconstitutional. She noted a person serves time and he or she gets out, but they do not get back privilege when they do certain things; anytime in a person's life, if he or she loses trust, there is some trust that is never regained depending on things they do; the problem is it is a very vulnerable population this happened to; and she commends the person who stood up and said they agree children are the priority, and she thanks them for that. She stated the situation is that it is the Board's responsibility to make sure it is doing its best to protect the vulnerable population; and this is a good thing to do because it is getting in situations where children get together and congregate like schools and day cares.

James Martin made an outburst from the audience.

Commissioner Pritchett advised Mr. Martin he cannot speak.

Chair Zonka asked Mr. Martin not to interrupt.

Mr. Martin continued to speak from the audience.

Chair Zonka asked again for Mr. Martin not to interrupt.

Mr. Martin advised the Board to throw him out.

Chair Zonka noted Mr. Martin cannot interrupt the meeting; she asked him to please stop talking; and if he wants to stay, he has to stop talking.

Commissioner Pritchett stated fair is that a person does not do certain things; she asked Mr. Martin to be quiet; and she called for an officer.

Mr. Martin was escorted out of the meeting by a Sheriff's Deputy.

\*The Board recessed at 5:42 p.m. and reconvened at 5:47 p.m.

Commissioner Pritchett advised she is going to support this Item; she stated the Board has heard from people that are restricted in some things, especially the families, and he heart goes out for that; she works for a ministry and she works with the victims every day; she has dealt with the kids that have grown up with this; and it never leaves them. She added there are people who have to live their life dealing with things that have messed them up; she reiterated it is just not something that goes away; she stated people are allowed to attend these meetings; a person just has to do what he or she has to do; and a person has to do the same thing if he or she is going to a school or to a day care.

There being no further comments, the Board adopted Ordinance No. 22-20, amending Chapter 74, Article VI, of the Brevard County Code of Ordinances, "Sexual Offenders and Sexual Predators"; providing for legislative findings and intent; approved amending the definition of "Park" in Section 74-101, of the Code of Ordinances; creating a new section, "Section 74-102.5 – Business Self Certification Registry"; establishing a voluntary registry of businesses which have a primary purpose of recreation and where children regularly congregate, to which a 1,000 foot buffer zone recreation will be applied to convicted Sexual Offenders and Sexual Predators; providing additional exceptions; providing for inclusion in the Code of Ordinances;

providing for conflicting provisions; providing for severability; providing for an effective date; providing for an area encompassed; and approved with the addition of the Business Self-Certifying Registry to be held by Parks and Recreation and the address to be listed in the Ordinance.

**Result:** ADOPTED

**Mover:** John Tobia

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.7. Public Hearing RE: Brevard County HOME Investment Partnerships Program Consortium Five Year Consolidated Plan 2022-2026 and Fiscal Year 2022-2023 Annual Action Plan**

Chair Zonka called for a public hearing to consider Brevard County HOME Investment Partnerships Program Consortium Five-Year Consolidated Plan 2022-2026 and Fiscal Year 2022-2023 Annual Action Plan.

Ian Golden, Housing and Human Services Director, stated this is the second and final public hearing for the County's five-year consolidated plan and one-year action plan, which encompasses the County's HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) Programs; as lead agency for the four cities in the consortium, Palm Bay, Melbourne, Cocoa, and Titusville, it also encompasses their aspects for their plans for CDBG and overall for the consortium itself; the five-year plan itself acts as a framework or structure for potential projects and focuses for the one-year action plans, which act as implementation plans; staff did a 30-day public comment period; and all those comments were included in the plan. He went on to say they fell into two main categories; one was for the areas that the County actually solicited, which was comments directly on that plan; the other was for comments on access, which while staff accepted them, will be held until they do the citizens participation plan in the coming year; and their consultant, Stephanie Jennings with Cloudburst Consulting Group, is here if there are any questions.

There being no comments or objections, the Board conducted a public hearing and approved the Fiscal year 2022-2026 Brevard County HOME Consortium Five-Year Consolidated Plan and the Fiscal Year 2022-2023 Annual Action Plan; authorized the Chair to execute the required Certifications and SF-424 Housing and Urban Development (HUDS) Application for Federal Assistance; authorized the County Manager to execute the Community Development Block Grant (CDBG) Program and HOME Investment Partnerships Program (HOME) Grant Agreements; authorized the County Manager to sign Disbursement Agreements with the four Brevard HOME Consortium member cities, upon approval from HUD, Risk Management, and the County Attorney's Office; authorized the Housing and Human Services Department, as contract administrators, to use competitive bids to secure contractors to complete proposed projects and services; and authorized the County Manager to sign an associated Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.8. Amendment to Brevard County Code Chapter 2, Article VIII, Section 2-247(2) Requiring a Majority Plus One Vote for Non-Competitive Leases or Sales of**

## County Property of Nominal Value

Chair Zonka called for a public hearing to consider an ordinance to amend Brevard County Code, Chapter 2, Article VIII, Section 2-247(2), requiring a majority plus one vote for non-competitive leases or sales of County property of nominal value.

Commissioner Tobia stated this issue was brought up under his Board Report on the July 19, 2022, Board meeting; in February 2021 he brought forward the initiative to change Section 2-247 of Brevard County Code relating to the purchase or lease of land owned by the County; the change removed the requirement for a super majority vote for such transactions; that is where he made the error; and it was his intention at the time to change Code relating to only sales or leases that were at or above market rate, and to leave a super majority requirement for a nominal lease or sale. He went on by saying this amendment, while he backed the language the way it was before that makes a majority plus one vote a requirement for non-competitive sales or leases; he is open for questions; but he will make a motion to approve.

Anita Unrath stated as she looked at this, this afternoon, she was confused about the wording of it so she, with the help of Christine in Commissioner Tobia's Office, she helped her to find the Agenda Item online, and then she was even more confused; she read through the whole thing, and she does not understand some things; there are only four Commissioners right now; she asked what does this mean; and she inquired does it mean the four Commissioners will have to agree on everything. She went on to say it would make more sense to her if this went into effect in November when there are five Commissioners; that would be the super majority would be three Commissioners plus one; but right now, she does not understand what it means; she asked if someone could explain that to her; and she asked does it mean that all four Commissioners have to agree on everything all of the time. She added in that case, she would be against that amendment, because she does not think it makes sense as they live in different areas and are representing different people in the communities, and to get 100 percent consensus today, all four of them, every time he or she has to look at something like this, she thinks it would be difficult; and she asked if someone can answer the question how does the super majority work with four Commissioners.

Commissioner Tobia expressed his appreciation to Ms. Unrath for getting involved in this; he stated this is for a very narrow or tailored type of question, one that has not come to this Board in quite some time; this is any time that the County either sells or leases land at a rate that is below market value; he imagines there will be some votes up here that go not 100 percent and they will go forward; however, not on this Agenda, or any one in the past recently, has there been one that the County was either leasing land at below market rate or selling land; and that is what this does. He added this was his error, he changed everything; he meant to make it easier for sale of land, instead of needing a super majority, just needing a simple majority; as far as there only being four Commissioners, unfortunately, the situation has come forward, and the Board cannot stop business the way it is; but there is nothing on this Agenda, and like he said there has been nothing, he cannot remember the last time there was a vote on selling land below market rate, or leasing land below market rate; and it has nothing to do with 99 percent of the votes the Board makes, but should it come up, it would need four votes, or unanimous.

Ms. Unrath stated with just four of the Commissioners, she would urge he or she not to pass this, because to her it does not make sense; if there were five Commissioners and there needed to be four, as the Commission should be, that would be a super majority vote; she thanked him for the explanation; and she asked what is the next lease that is going to come up in the County or the next organization that is going to have a problem.

Commissioner Tobia pointed out it is not any lease, it is only a lease or sale below market rate

just to be clear.

Ms. Unrath noted she works with Hundred Acre Hollows and they have a lease with the County; they are in their second five-year lease, renewable 10 times; and she does not know how this would affect them and other organizations, so that is her concern.

Commissioner Smith asked if the Board can ask the Interim County Attorney if what Commissioner Tobia is doing would affect Hundred Acre Hollows at all.

Chair Zonka advised it will if they come back for a new lease.

Commissioner Smith inquired how many renewals Hundred Acre Hollows has.

Ms. Unrath replied five-year lease renewable 10 times; that is 55 years; and they are in year six, so she probably will not be here for the ending of the lease.

Commissioner Tobia stated that will be four years from now, so he assumes there will be a fifth person in four years.

Chair Zonka stated that is for that specific one.

Commissioner Pritchett asked when Commissioner Tobia has on here non-competitive leases, is he meaning that leases the County has that the County has not put out to bid, is that correct.

Commissioner Tobia pointed out below market rate.

Commissioner Pritchett inquired if it is below market and they do a Request for Proposals (RFP) is he okay with it.

Commissioner Tobia stated this is not targeting Hundred Acre Hollows; this is the way it has always been; this is an error on his office; his intent was to make it easier for the Board as he was always in the minority, he was always voting no; and he wants to make it a majority vote instead of a super majority vote as it is not fair. He stated he thinks there is some ways he can abstain from the Hundred Acre Hollows vote.

Commissioner Pritchett stated they go out for Request for Proposals (RFP) and they are probably below market, but it is good where they are serving the area; and she is thinking doing non-competitive leases and/or if a lease has gone out for bid, because if the County has to do a four vote on that, or even a super majority if a Commissioner is doing it in his or her own District, there is the possibility to get a real stinker of a Commission up here and get people out of things they are doing.

Chair Zonka asked the Board to hear the other public comment card.

Kathy Engerran, representing Brevard Cultural Alliance (BCA), stated they are Brevard County's local arts agency; she expressed her appreciation to the Board for its past support, and hopes they can continue to rely on their future support; she stated she would like to respectfully request that the Board not support this Agenda Item; Brevard Cultural Alliance is currently the beneficiary of office space in the County's Merritt Island Service Complex; and they do hope to continue with that partnership with the County. She went on by saying their lease is going to be coming before the Board much sooner than Hundred Acre Hollows; if this Board is inclined to support this proposal, she would echo the suggestion that in fairness it not

take this action until there is a fifth sitting County Commissioner; that would level the playing field for agencies with leases; and she expressed her thanks to the Board for its time and consideration.

Chair Zonka asked when the BCA's lease is up.

Ms. Engerran replied the end of September.

Commissioner Tobia advised he has not looked at the BCA's lease; he does not know how much space it is, as he knows space is a premium; and he asked if staff has looked at how much space the BCA occupies and whether or not there is any County functions that could potentially fill that space.

Frank Abbate, County Manager, replied he thinks there is a little over 2,800 square feet at the Merritt Island Complex; and if that space were vacated, there are probably two agencies that have indicated that they would have the need or desire to occupy probably the majority of that space.

Commissioner Pritchett asked Commissioner Tobia to put in there the non-competitive leases that have not gone out for bid, or the Board could also do right now the super majority could be three out of four votes or four out of five; the Board has been through some very weird Commission protocol over the last year or so; she is just thinking about a couple of Park things she has; she knows it would be below what looks like market; but again, they are target areas, and it just serves a purpose; and there are only certain groups that are going to come in and bid. She pointed out that would give her more comfort if that is protected.

Commissioner Tobia stated he will be more than willing to add that as long as the Board can also add in the situation that was just brought up here if Request for Proposals (RFP) looks outside of the organization if the super majority would also be needed if the County potentially had a need within the organization; he guesses if the County can participate in its own RFP, because an RFP would look at outside organizations; Commissioner Pritchett heard that there is certain space that may be needed by County offices; Charter Offices may need that space as well; and if the Board can say RFP or there was a certified need by County employees, that would be a friendly amendment.

Commissioner Smith inquired if this is something that has to be decided tonight; why not wait until there is a fifth Commissioner, he will not be here anyway; and if this is not a pressing issue, why not wait until there is a five-member Commission.

Commissioner Tobia asked if that argument works on the rest of tonight, because he may use it in just a little bit, and Commissioner Smith may not like it when he uses it.

Commissioner Smith stated he just does not see this as a pressing issue, but there are two Commissioners left to weigh in.

Commissioner Tobia asked if that argument is valid the rest of this meeting.

Commissioner Smith advised if Commissioner Tobia asks him on a particular issue that may come up, he may say yes, it is necessary to make the decision tonight; and he does not know what Commissioner Tobia is referring to.

Commissioner Pritchett asked to wait until the next meeting to put those thoughts together, the

new thoughts he put together.

Commissioner Smith stated he can tell the Board that this is something that has to be done tonight, the resolution regarding environmentally endangered lands.

Commissioner Tobia stated the Board is not there, but Commissioner Smith is going to find out that is a factually incorrect statement.

Commissioner Smith stated he is just going by what the County Attorney told him.

Commissioner Tobia reiterated to Commissioner Smith that he is going to find out that is a factually incorrect statement.

Commissioner Smith noted if Commissioner Tobia is telling him it has to be done tonight, then to do it; and he was just making the comment.

Chair Zonka stated she was always under the impression, at least in the past, and maybe the County Manager is not responsible for that, but she was told the County did not need that space; and she asked if this is another governmental agency or is this a County agency.

Mr. Abbate responded he was asked whether or not there were any internal departments that could use that space, so he made an inquiry of the departments, and two of them responded; one was Information Technology for a very small space; and the other was Housing and Human Services for some of the things they have ongoing.

Chair Zonka stated so really there is no financial benefit to the County to give that space; and she asked if there is a need or is it a want.

Mr. Abbate advised Ian Golden, Housing and Human Services Director, is the one who provided that and can give the Board more details.

Chair Zonka stated providing services to Brevard County residents is going to be the priority, but at the same time, if all of that space is not needed maybe a compromise could be made.

Mr. Golden stated when the request from the County Manager came, staff was looking at the additional COVID-related dollars they have as a department; and there is a significant amount that has come in, so they were actually looking at a potential opening of a satellite office to allow for Merritt Island and the beach areas to have access to staff for different COVID programs, as well as other programs the department runs.

Chair Zonka asked a large amount of space or a small amount of space.

Mr. Golden replied the request was about 1,500 to 2,000 square feet; they could do less; but that was contemplating having kind of a meeting area; with a lot of their programs, they were also going to put a Veterans Service Officer up there, they require an enclosed office; and this is not just cubicles to have conversations with residents and clients regarding specific issues.

Commissioner Tobia inquired assuming the opioid settlement goes through, will Mr. Golden need additional space.

Mr. Golden responded part of the contemplation for the need for space was because they were looking at bringing on additional people; the opioid dollars were part of that; there are

Emergency Rental Assistance 2 (ERA2) funds; there are dollars coming through the County's HOME allocation from ARPA; and there are Community Block Grant CV dollars. He went on to say the Community Action Agency has Coronavirus dollars, so they are looking at adding additional personnel; and they are running out of space at the current facilities.

Commissioner Pritchett asked if the Board can tighten up how this is worded; she stated she agrees, if the County has to have space, Commissioner Tobia has her attention; she asked if this can be tightened up before the next meeting; if Commissioner Tobia is willing to put in the other about them going out for bid, because she is protecting that area she has up there in Parks; and maybe some other things Mary Ellen Donner, Parks and Recreation Director, has in Parks, it would give her great comfort.

Christine Schverak, Interim County Attorney, advised when things go out to bid it is under a different Section of the Code; the proposal by Commissioner Tobia would not apply to those, because they are done under a different Section of the Code; this is non-competitive, and specifically those that have not gone out for bid; when the County goes out for bid, it is under Section 2-245; and it is a simple majority for that.

Commissioner Pritchett stated so then they are no longer under non-competitive leases.

Attorney Schverak replied exactly.

Chair Zonka stated she will add that obviously she has a near and dear place in her heart for BCA, she always has; she has to look at services the County is providing to its residents, especially if it is for COVID assistance; if the County needs the space, it needs the space, so she will support this; and it should be a super majority anyway if it is non-competitive. She went on to say part of the reason she rents an office in the middle of her District is because a former Commissioner gave a zero dollar lease to a non-profit agency and as a result, they have to rent space, so that is a cost to taxpayers as well; she has been on the other end of that; and she will support it.

There being no further comments, the Board conducted a public hearing and adopted Ordinance No. 22-21, amending the Code of Ordinances of Brevard County, Chapter 2, Article VIII, Section 2-247(2) requiring a majority plus one vote for non-competitive leases or sales of County property of nominal Value; providing for conflicting provisions; providing for severability; providing for area encompassed; providing for an effective date; and providing for inclusion in the Code.

**Result:** ADOPTED

**Mover:** John Tobia

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

## **J.2. Resolution calling for a Referendum of Bond Issue for Environmentally Endangered Lands**

Chair Zonka stated she placed this Item on the Agenda; obviously, it has gotten a lot of attention; she did ask the Environmentally Endangered Lands (EELs) Committee to come and present, because the folks who reached out to her asked that she bring this forward on the Agenda; she met with staff, they have gone over the properties, a lot of the numbers; and she appreciates staff's time on this. She continued by saying she offered the floor to the EELs Committee to present this Item; and she asked the representative to come up. She noted since this was an Agenda Item, because it was either Vince Lamb or her, and he was the subject

matter expert.

Vince Lamb stated they have an EEL Program proposed referendum; since its founding in 1991, the Environmentally Endangered Lands Program has established 32 nature sanctuaries, which are conservation lands that protect native plants and wildlife; they also provide many benefits to the community; the EEL Program sanctuaries particularly protect the Indian River Lagoon and the St. Johns River from excess nutrients and other pollutants; and in 1990 and again in 2004, the voters strongly approved the referendums that funded the EEL Program and enabled the purchase of 27,000, maybe 28,000 acres of conservation lands. He pointed out this is a 31-year history; as they enter into this new process, they followed the pattern that with the 1990, 2004, again with the 2016 Lagoon Referendum they all started with a poll survey conducted by the Nature Conservancy, so they stuck with that consistently; the Nature Conservancy actually contracted new bridge strategy to perform this survey, which was 400 registered voters who represent a good cross section by community, by geography, age, gender, and party affiliation; the new bridge strategy did the polling for the Lagoon in 2016 for the Nature Conservancy; and the first thing they did was to get a draft ballot language. He continued by saying early in the survey, like the second question or something, was pretty much a shocking would he or she vote for this ballot language without anyone saying it was preconditioning the people to vote one way or the other; there are some very small changes now in the ballot language that the County Attorney's Office essentially approved before the survey, and then in the post-survey there was a need to ask Bond Counsel about this; there was some very small changes made; he does not think there was anything that changes any intent and change the survey in any way; and the most important sort of bottom line on this is that it has very strong support with 70 percent of the respondents, indicating that they were strongly or likely to vote for this measure. He added the primary reason that people want to support this is because they want to conserve nature and the environment in Brevard County; the survey strongly suggests that Brevard County voters want the opportunity to continue the EEL Program and acquire an additional \$50 million in conservation lands primarily to protect the Lagoon and St. Johns River; he would suggest with a county with 20,000 people and growing, more conservation land is needed for the protection of quality of life; the County could be approaching a tipping point with the Lagoon and perhaps the St. Johns where they would get a lot of unfavorable publicity; and it conflicts real harm on Brevard County if the waters are not kept clean. He stated the EEL Program cannot advocate for its own funding; a small group of private citizens have provided the leadership to get to this point; he extended his thanks to Laurilee Thompson, Keith Winsten, Jim Swann, and Bo Platt for their leadership and support; he stated he wants to turn over the microphone to Bo Platt; and then Laurilee Thompson will speak next.

Bo Platt stated he is on the Procedures Committee of the Environmentally Endangered Lands Program; some benefits are they restore and protect the habitat for native plants, animals, and marine life; provide land and water-based eco-tourism, and recreation for Brevard County residents; they educate the public to foster more sustainable practices; they recharge cleaner water into the impaired Florida aquifer; and they protect and restore the St. Johns River and the Indian River Lagoon. He went on to say they enable the development by providing for mitigation lands; they reduce the risk of damaging wildfires, which can be quite devastating; a study by the County in 2020 showed a return of almost \$5 of every \$1 invested in the Environmentally Endangered Lands Program, so it is a great investment; putting aside any interest in recreation, conservation, or nature, just a financial return makes sense; and it is a modest investment. He noted he has his property tax statement; his house is assessed at about \$400,000, and he pays about .80 cents a week to support the EELs Program; Brevard County voters have voted overwhelmingly on two occasions, 14 years apart, to invest in the EELs Program; and he asked the Board to allow the voters to vote again.

Laurilee Thompson stated the Indian River Lagoon provides nursery areas for at least 70 percent of Florida's important recreational and commercial fisheries; many of Florida's marine fisheries could disappear without healthy coastal environments; everyone knows how much the Indian River Lagoon takes up for the east coast of Florida; the EEL lands are critically important for Indian River Lagoon restoration; and in order to make an impact, big areas are needed with the Lagoon frontage and submerged lands where seagrass planting, clam, and oyster restoration can be done, and to revive national shorelines. She went on by saying the EEL Program currently manages more than 37 miles of shoreline along the Indian River Lagoon and its major tributaries; that does not include small outflows and ditch systems that are within the EEL properties; in the central and south end of the County, Coconut Point, Maritime Hammock, Thousand Island, and Pine Island are prime locations for oyster restoration, seagrass and clam planting projects; Pine Island itself has multiple facets of IRL restoration projects, including stormwater reservoirs, restored salt marsh impoundments, and mangrove forests; and sea grass and clam projects are planned for Pine Island. She added the Brevard Zoo's largest living shoreline project is taken place at Coconut Point and Maritime Hammock sanctuaries; the Brevard County Natural Resources Management Office is working to get permits for a half a million dollar sea grass planting project that is adjacent to the Coconut Point Sanctuary; large scale restoration projects cannot be done in people's front yards on little lots where they have hard-armored their shoreline with rocks and seawalls; and there has to be some bigger properties. She advised in the north end of the Lagoon, there are large amounts of properties that still have the opportunity for land acquisition up there; the north end of the Lagoon has even more trouble than the south end of the Lagoon because the residency time for water circulation is over a year; help is needed up there; folks in Brevard County want the chance to vote on this referendum; and she asked the Board to please give them that opportunity.

Jack Ratterman stated he is here to convince the Board that this should be on the ballot; by putting it on the ballot, it takes it off of the Board's plate; if something goes wrong, the Commission is not responsible for it; it should be the citizens of the County who decide; and he asked what is wrong with deciding on this. He continued by saying EELs is part of the oldest house in the County, the Sam's House; it is part of the still existing Indian mound; it does many other things for the County; the tourists are only going to come for so long for National Aeronautics and Space Administration (NASA); and then it is the environmental effort that is going to sustain the County. He urged the Board to put this on the ballot in November.

Tom Unrath stated he is a pastor; he served as a military chaplain for 22 years; he has been doing this business for 45 years total; he is here to talk about this in a theological way; and as a Christian, his belief is, and he has heard others who say they are also Christians, that God has given people the world in which they live, and saying they have it and to now take care of it. He noted when God created it, He said it was good, and to keep it that way; the EELs Program is the step to help Brevard County citizens to do that as a community; it is not just an individual thing; but as a County, as individual communities, have an opportunity to work together to keep this a beautiful place as God has given it to them; it is likely that there may be some monetary discussion that this will cost a lot of money and be on people's taxes; and it just so happens that this weekend the lesson is going to be to put their treasures in Heaven, not here on Earth, because here on Earth it is corruptible. He explained finding a way to keep it from being corrupted, as the EEL program works together, allows people in a different and valuable way for people to say he or she is not taking care of this not individually, but for people as a community, because that is one of the things that God has asked people to do.

Tamy Dabu, Environmentally Endangered Lands Selection and Management Committee Chairperson, stated after writing her letter to the Board to consider this, she is respectfully

requesting that the Board put this Brevard County Environmentally Endangered Lands Program referendum on the November 8, 2022, ballot for the voters to consider; she thinks this is a large enough endeavor for the voters to consider; she does not think a mere four people within Brevard County is the right place; it would be wise for the voters who have overwhelmingly twice approved this Environmentally Endangered Lands Program to exist; and they exist successful, they are doing fire management, protected species management, and Brevard County is a premier County as a result of these actions, staff in Brevard County work hard day in and day out to ensure the protection of these 28,000 acres for everyone's enjoyment today, tomorrow, and sustainment in the future. She asked the Board if it wants it to be sustainable, a County where people continue to strive to come to, and to live and enjoy, tourists and residents alike; and she asked the Board that it approve overwhelmingly placing this referendum on the November 8, 2022, ballot.

Keith Winsten stated he wants to talk about the economics of this; every time nature is actually valued, people come up with different measures for it; the quality of life measures people see every day, can be read in the newspaper; development is always going to happen; it needs to be done wisely; and it needs to be balanced in the hands of private citizens with what government can do. He advised there is a slight increase from .12 mills to .14 mills; to give the Board an idea what that comes to for a \$300,000 home, it is about \$6 a year; he took his daughter shopping at the mall this weekend, and most of the lunch meals were in the \$12 to \$14 range; that would be one Starbuck's coffee or one-half of a meal at the mall; and he asked for everyone to look at all of the rewards. He stated to look at the conversations had with people all of the time to balance the economic development here with the things that brought people to Brevard County in the first place; this has been a very successful program, and a model for other counties; it has been done successfully twice; they want to give people the opportunity to weigh-in again; and he urged the Board to put it on the ballot exactly the way it is phrased as it has been ran through the County Attorney's Office. He noted people know it works, it has been firmly vetted, and this can continue its success.

Diane Stees stated she was not planning to speak tonight, but her District 2 is not represented, so here she is; she would like to recognize those who had the vision and drive to preserve the best of Brevard's natural habitat and wildlife with a science-based program; there have been hundreds of volunteers who have spent thousands of hours over the past 30 years to ensure the integrity and success of the EEL Program; she has been a volunteer since 1989, so she is one of them; and she asked the Board to remember to appreciate all of those volunteers. She went on to ask the Board to see through the descending opinion that may be set through tonight, she is not sure; she stated EELs has always had its detractors, but know there is wide-spread support for the EEL Program, conservation lands work; some examples, the Board has heard them before but she will say them again, they help, not hurt water quality in the Indian River Lagoon; some of the lands are aquifer recharge areas, EEL lands managed through prescribed burns to protect adjacent neighborhoods from wildfire; and by the way, they raise property values. She concluded by asking the Board to allow the voters of Brevard to decide the next chapter of the EEL Program.

Jim Burney stated as a Rockledge resident, he is there to support the resolution to pass a referendum as it is written, Environmentally Endangered Land and Water Areas Bond Referendum, to supplement the current Bond referendum; he also fully wants to support the referendum as the original language caption and as the language reads currently to really fully express the intent and the spirit of the language; he supports adding the referendum to the '22 ballot for the following reasons, the 2022 bond referendum will continue the job started by the first referendum, including the protections of the complex parcels, known as the mega parcels in the south end and the north end of the County, and it will continue the land and waterways

management; as the owner of a vegetation management company that provides invasive plant services and conservation lands, he can provide ample data to defer costs compounded daily; and if a program is paused or stopped, it will cost, because plants are going to grow. He stated he believes the referendum compliments other programs and objectives, such as the Save Our Indian River Lagoon Program, as well as upland programs for endangered upland species; it compliments U.S. Wildlife Service (FWC) parcels in response to Scrub Jays and other upland species; it is not just Lagoon-related; he also believes it compliments the Tourist Development Council's objectives of increased tourism within the County; and the referendum also offers tourism and ecological values that may offset the potential loss for tax revenue, as well as other County expenses. He noted University of Florida Institute of Food and Agricultural Sciences (IFAS) has done financial investigations, as well as U.S. Fish and Wildlife nature concerns; there are many studies out there that will demonstrate the value in dollars and cents to support that claim; the referendum polling was at 70 percent, so that is 70 percent still supported buying development rights; at the beginning of it, it is the conservation rights minus the development rights equals the conservation value; and lastly, conserving land and water for the public needs to be called a benefit is really a responsible position, which has been taken by the feds, the State, and the former Councils of Brevard County.

Barbara Gorin advised the audience cannot hear everyone speaking at the podium, she is going to have to watch it on television to hear some of the verbiage.

Chair Zonka asked if Ian Golden, Housing and Human Services Director, and Jill Hayes, Budget Director, if they could hear as they are in the back of the room.

Ms. Gorin stated this gentleman just spoke and she could not hear him a lot of what he was saying, as well as one of the women.

Chair Zonka stated she could ask people to just speak louder.

Ms. Gorin stated she has a problem with this, with the EELs being put on the ballot; she appreciates what EELs does, and it is necessary, but right now is not the time to do it, to add more money for taxes, it is a tax; she does not think it is appropriate; she asked where was EELs and where does EELs stand when the Commission is voting to put a hotel in, or has voted to put a hotel in, and the land that was around the hotel; she is talking about the view, the birds, the turtles, the seagrass; and she asked how all this works together; and if everyone is working together. She asked if the EELs people support what is going on when the hotels are going up, and destroying the lands around there; she stated she would like to know where EELs were, she does not recall seeing any input from them on that; she is frustrated when there is one after another, after another tax that is put on the citizens of Brevard County; she is not against EELs, she is just against the inflationary time, recession time, people are going to be losing their homes; and this is not something that needs to be put on the ballot now. She pointed out it is time to cut back and stop.

William Haskell stated he concurs with a lot of what Ms. Gorin had to say; he would like to show the Board a graft that was prepared by Scott Ellis, former Clerk of Courts; there is a comment that those who do not learn from history are doomed to repeat it; the chart shows what happened between 1999 and 2009; and this shows when there are variables of population, inflation, and income per capita going up at a certain rate. He noted it is when the budget by the County Commission of those years was so high that they thought it was going to space and it would stay there; he agrees the environment needs to be protected, clean water and clean air, and everything Ms. Gorin said; but he also agrees that the Board is looking at what economists are saying today; he is a student of business; and with this kind of economy now,

people are facing very dire times. He went on by saying that he is glad a thousand people are coming to Florida every day according to the Governor; he is also happy about the prosperity even though there is higher traffic; but what he is not happy about is who is going to be paying for the impact on the 600,000 citizens as far as all of this new development is concerned; having checked with Florida Law Enforcement in Tallahassee and Orlando there was no concern at all about the illegal immigrants coming to this State; and Florida is number one where illegals come in. He noted in Florida it is a right to work, warm weather, people who speak Spanish, and a huge demand from all those people coming into the State means the residents are going to have to pay for new schools, hospitals, nursing homes, jails, prisons, libraries, infrastructure and people in them; the County is heading for a down turn now in the next two years of this administration; he hopes the Board thinks about those things; the Sierra Club have a lot of super wealthy people; and he asked if \$5 can be made for every \$1 invested, why they are not doing it. He asked what the totals are in the resolution; he commented he does not see any numbers as far as the bonding or whatever; and he thanked the Board for its time.

Martha Pessaro asked the Board to continue what history has proven is socially, economically, environmentally, and educationally perfect for Brevard County, for its citizenry, its lands, its water, and its quality of life; this referendum is not going to be changing the tax in any amount other than what people see in what is associated with their property taxes; what she is seeing probably what equates to a McDonald's Happy Meal; and it is a tiny fraction of what she pays in property taxes. She went on to say this is Brevard County's destiny; they have spent years where they have been educating the citizenry; as a dream job, she was able to do an educational portion of the work for the EEL Program at Sam's House; those eight years were part of the most perfect years that she had in making an impact into children's lives with their curriculum-based programs; and they had children from every walk of life come in. She noted some of them had never been outside before; the programs they were visiting with them were things they would not experience in a class room; they could only do that on Environmentally Endangered Lands Programs; they have three education and management centers; the north, Enchanted Forest, the central region, Sam's House, and the south is the Barrier Island Center; and all of the children, families, and visitors who come through are impacted. She added through the COVID timeframe, they had trails opened, people could hike with their families; visitation increased, not decreased; they had a huge impact on the health and well-being of everyone within this County; they do conservation projects everywhere; and this is one of the programs that just cannot be turned off, turning it off would not do any good for anyone. She noted ridding lands would not do any good for anyone; and they need more of this conservation.

Paul Ruben stated he is representing a whole generation of millennials who are at work most of the time, so the Board does not see that generation too well; he is also representing his daughter; it was not easy for them to get here because they do work full-time; his wife, he, and a lot of their friends spend a lot of time at these parks to recreate, to enjoy their families; and he is a local, he grew up here. He went on by saying he is an environmental scientist; these lands inspired him to live a sustainable life; he thinks without these lands, he would be a very different person; he really wants that for his daughter, he wants her to be able to experience this just like everyone has; he is sure everyone here has been to at least one of these parks; and he spends almost every weekend walking Maritime Hammock. He noted they go hiking at the Enchanted Forest, and they go surfing; without these parks Brevard County is not as beautiful as it was before; he cannot imagine going to these areas and seeing another car wash, fast food chain, or a parking lot; he cannot imagine this County going in that direction; and someone mentioned people learn from American history. He stated in the past Native American burial grounds were developed over; shell mounds and middens were knocked down

and turned into roads; there are not many left; he does not think people really know about the history; and to get rid of what is left, that would be truly terrible. He reiterated he wants that experience for him as he ages, for his daughter, for his friends and their families, and he hopes the Board realizes when it votes that this is a big deal; the lands are needed, it is a bare minimum; and without these lands,

people are not going to be able conserve what is left of the Indian River Lagoon and protect it. He asked the Board to consider that when it votes; he stated he would love more, he thinks they need more; they want to see a beautiful Brevard County; and without these lands, they will not be able to do that.

Commissioner Tobia expressed his appreciation to the Chair for bringing this forward; he stated he always appreciates it when the Board has the opportunity for lively discussions; before, however, as a Board, a decision is made that will have an impact on taxing the citizens to the tune of more than \$50 million, he thinks there are some important questions that need to be asked and at least get answers to; for everyone who has shown up, he greatly appreciates their passion; and it is extremely evident. He went on to say what he is going to do is a little bit different and that is to use logic and scientific-based decision-making; he asked the Board to keep an open mind on this; he stated he would like to start, and he has handed this out, a presentation; he has put it up on the screen for the benefit of everyone else; and there are 28,048 acres of EELs in Brevard County. He explained about 95 percent of that has come through by acquisition; about 31 percent was transferred to the State; one-quarter of that was not transferred to the State, and everyone will find out a little bit later; almost 40 percent of it was not eligible for transfer to the State; and again, everyone will find out why. He pointed out 3.6 percent came through mitigation, and about two percent came through other donations; the question they have to ask first is what are the legal responsibilities; he looked up the lease, and he looked it up in perspective of land that was transferred to the State; it says, "In the event no further use of the leased premises or any part thereof is needed, Lessee shall give written notification to the Bureau of Public Land Administration . . . at least six months prior to the lease;" and the first question to get to is what is the legal obligation of the County. He stated the County has transferred 8,920 acres; Mike Knight, EEL Program Manager, has told the Board it costs about \$129 an acre to manage; that means per annum, the County has the responsibility of \$1,150,680; of course, six months is one-half of a year; therefore, the County's legal obligation is \$575,340; and again, the legal obligation is just over one-half a million dollars. He went on by saying the second question that he thinks is extremely important in answering is should the County be purchasing land; it has 28,000 plus acres, and he asked should it buy more; he is going to give some reasons it is probably in the wrong direction; EELs grows without the purchase of land; and the County has gained more than 1,000 acres through mitigation, and almost 600 acres through donation. He advised this program grows without the County funding the purchase of that; purchasing land keeps money off of the tax rolls; looking at this from a financial perspective makes this extremely important; before looking at the initial cost, he thinks the reoccurring costs need to be looked at; he expressed his appreciation to Tad Calkins, Planning and Development Director, for helping with some of these calculations; and he just took one parcel of land, the largest parcel, that was taken off of the tax rolls for EELs. He stated the County purchased 2,568 acres at Fox Lake Sanctuary; a large portion of that are wetlands, so it will not be able to be developed, but just over 1,000 acres is developable; using the current zoning classification, that would give in the neighborhood of 416 units; and there has to be roads and infrastructure, so the calculation he got was between 20 and 30, which he took the more conservative and moved 30 percent off of that. He went on to say the Tax Collector is extremely good at going into the computer and being able to estimate what the taxes would be; just this one property, in reoccurring lost tax revenue is 1.7 million dollars; that is reoccurring, he is not talking about the loss of jobs from not building homes, he is not talking about the ancillary benefits that come with folks, he is talking about reoccurring;

but there is an individual cost as well; and as everyone knows, when building a home there is an impact fee. He noted there is an impact on Brevard County and a person has to pay around \$9,000; this is a one-time cost, not a cost lost by developers, it is a cost lost by the County; he wants to tell everyone where these will otherwise go, because this is almost \$3 million; transportation, everyone hears about roads, the County would lose almost \$3 million; and Fire Rescue \$15,000, EMS \$11,000, correctional facility \$21,000, libraries \$19,000, Solid Waste approximately \$46,000, and education \$1.5 million. He pointed out this is one parcel of land, and the County is talking about purchasing many times this; the total impact fee is almost \$3 million, so when these decisions are made, it is extremely important that the Board look at this from a financial perspective; he appreciates passion; but unfortunately, these are decisions the Board has to make; and the reason purchasing this is a bad financial decision, he looked at some purchases the County made and what was paid for them, what the Property Appraiser has them appraised for, and they are really wise investments. He stated Fox Lake Sanctuary was purchased for \$25 million; according to the Property Appraiser, right now the value is \$886,370; the County purchased Indian Mound for \$3.5 million; it is worth about \$500,000 today; and Scott Ellis, former Comptroller and forever conservative, said just because 70 percent of the people voted for it does not mean the County has to overpay, which it clearly did here. He continued by saying Mr. Ellis also went on to say the Board has a fiduciary duty to the citizens of Brevard County to spend money wisely when it has been appropriated by referendum and has not done so on the EELs purchase; he thinks Mr. Ellis was extremely prophetic when looking at what happens there; there is a lack of communication with the parent company here, for lack of a better term, that is the State of Florida; he expressed his appreciation to Mr. Knight for pointing this out; but the State has instructed the County to cease requesting reimbursement. He noted the current plan was to find great land, purchase it, and the State reimburses for half; the State is not interested in doing that anymore; efforts were renewed but the State indicated that Brevard County's land was not eligible; and it begs the question why Brevard County's land is not eligible. He stated he will get there a little bit later when he defines what EELs actually is; people will find out there is no scientific definition; telephone contact with the State has proved unsuccessful and formal request has yet to be submitted; the State does not even want to participate with the County in this program; and this just came to light, which is very disturbing to him, when the County is looking to purchase land, a selection committee has already indicated what land they want to purchase, which from a negotiating standpoint probably is not that smart. He explained he went ahead and looked at it; more than 600 acres, or almost \$2 million, was earmarked for a company that has hired a lobbyist that has come before the Board; this is so lucrative that the companies are hiring lobbyists; another parcel to purchase would go to a former elected official; and no longer are lobbyists benefiting from this, but former elected officials will be benefiting from these land purchases. He pointed out that all of this data has been provided and all Commissioners have access to it; for those five reasons, he does not think purchasing the land, and none of them are political, but he does not think they are wise; he asked what the solution is; he stated he thinks it is three-phased, one, not to go into debt and bond money for operational expenses, and number two, find an alternative funding source for the \$1.150 million, that is the 8,920 acres times \$129 an acre; whether it is done in perpetuity or meets the County's minimum obligation, there needs to be a funding source for these lands the County has purchased, that he did not vote for, but it is the County's responsibility to maintain; and finally, and most importantly, not purchase any more land. He asked how the Board is doing this; he stated he will give three or four sources; one is Tourist Development Tax (TDT); EELs has three nature centers, The Enchanted Forest, Sam's House, and Barrier Island; and these buildings cost \$593,000 and change to run annually. He stated TDT funds can be used of the first and second penny designated for the Capital Facilities Program; Florida Statute 125 says, "In addition to those programs allowed, pursuant to paragraph, to allow, instruct, extend, enlarge, remodel, repair, improve, maintain, operate, and promote one or more zoological parks, fishing piers, or

nature centers;" the County has a funding source right now where it can take care of the nature centers without having an additional tax burden on its citizens; two, people may not find positive, but he wants to put it out there, the County has the ability to sell land that has not been deeded over to the State, and use the proceeds to manage the land that it currently has; and he does not understand why the County would go out and purchase more land when it is not taking care of the land it currently has. He mentioned he is not going to say the County spent \$35 million worth of land he showed up here; it is not worth \$35 million; but it is worth a great deal of money; to put that into perspective, if the County were to only take part of the land that it did not deed over, that is about 7,000 acres; and the part the County did manage at \$129 an acre, it would have reoccurring resources of \$913,000. He stated in other words, if the County only sold a portion, it would have plenty to manage the bulk that is less than one-quarter; to be very clear, there would be no loss of jobs for County employees as there are still 68 vacancies in Parks; again, to be clear, because bond language was clear, proceeds would not be used for other areas, they would be used for the maintaining and improving of existing land; third, and he does not know if this is a possibility, because when the County is making purchases that the State is not recognizing, but assume the State went back; and the County has \$35 million of investment that the State has not reimbursed the County for. He went on to say the County could ask the State for the 10th, 11th, or 12th time to reimburse the County for half, as it did for the good purchases; unfortunately, that was not very much, but the good purchases the County made; the State has not reimbursed the County for \$35 million; in other words, the County made a lot of bad purchases by the folks who really know what he or she is doing; he asked what the conclusion is here; and he stated he hopes the County gets off this temporary sugar high it is on, because there are a lot of friendly environmentalists out here. He noted the people have a great passion, and he appreciates that; but what the Board has to do is look at what it will leave future Commissions; what it is going to leave future Commissions, through no fault of its own, there is hyper-inflation coming, it is here, and it appears it is only getting worse; it has made some tough votes, but there are still infrastructure needs; and SOIRL at some point is going to go away, the County is going to lose a huge funding source. He advised he does not know how at the 11th hour the Sheriff found an additional \$1.7 million, or negotiating an extra \$1.7 million out of his budget, but that is going to come back next time; next year the Board is going to see that; the County has been living fat off of the federal government stimulus plan; there is so much, each Commissioner had a piggy bank of \$6 million to spend; and at some point, that goes away. He stated an example he remembers is the Board was handcuffed with bond payments for a \$5 million Savannah's Golf Course that was barely playable, yet the Board had to make accommodations for what he would argue is a poor decision made by previous Commissions; when he first heard about it, he went online and Googled what is an environmentally endangered land; the answer is there is no scientific measure; this is a term that was made up to elicit passion, and it has; and there is absolutely nothing that says that is environmentally endangered land. He continued by saying it is not him saying it, it is not Google saying it, it is the State of Florida and the Federal Government that not yet defined, nor because there is no definition, it is language in a ballot to ensure there is a great deal of passion; what people would have heard, but they did not, was with SOIRL funds, he did not vote for SOIRL funds in full disclosure, however, he takes those resources extremely seriously, he thinks the entire Board does; before it makes a decision, it goes through a lengthy process, the Board determines per dollar how many pounds of nitrogen and phosphorous will be removed or kept out of the Lagoon; the Board heard it was great for the Lagoon, what it did not hear was how many pounds of nitrogen or phosphorous or measure of determining how to spend a limited resource; and the reason there is no measure is because it probably does not have the impact that the Board is led to believe. He added what he keeps thinking about is affordable housing; he is not all that bright when it comes to economics, but he knows when supply decreases, generally prices increase; the more developable land is removed off of the tax rolls, the less housing there is; the less housing there is, the more prices go up;

environmentalism is a rich man's game; and it is wonderful they can afford a Starbucks coffee. He stated there are families that are struggling, things are going to get worse, that do not have the same luxuries that they do; the concept according to the Chairman of the Republican Party of Florida (RPOF) in 2017, "The concept in taking land from private land owners should send a shiver up the spine of anyone who calls themselves a small government conservative. Land buying is popular in liberal states like California and New York, but should not be in Florida;" the Pugh Charitable Trust said, "Environmental groups and lawmakers and placing an increased focus on private land through national conservation strategies. There's actually a campaign called the 30/30 Campaign which has been adopted by the Biden Administration and aims to conserve 30 percent of U.S. lands and waters by 2030;" he stated the Board is doing that up here; and he made the one plea, the Board has the opportunity to cut a tax. He went on to state he would love to do this all of the time, but the Board has obligations, responsibilities, and it has made tough votes when it comes to infrastructure whether it be sewer, septic, water, and roads, it has not had that luxury; today the Board has that luxury; it hears it is .80 cents or a cup of Starbucks, but what it is, it is \$7.95 million tax dollars that were paid last year because of this; yes, a responsibility, but the Board has the ability to absolutely say no to this; and he will be the first, and he just needs one other person to say that this is not the right time. He noted if the rest of the Board decides it is the right time and goes in a different direction, he does have some issues with the ballot language itself.

Chair Zonka inquired if Commissioner Tobia does not want to support it but he wants to change the ballot language and then vote no on it anyway; and is that what he is asking the Board.

Commissioner Tobia advised the ballot language is not fair, it is not true; and yes, it may meet Bond Counsel, but he has language that is much clearer.

Chair Zonka pointed out she does not think anyone else has seen the language.

Commissioner Tobia stated he is more than willing to put that out, but the Board has not even put out the other ballot language here; everyone heard a poll; he did not vote for it because he does not legislate by polls; it is wonderful that they have it; and he does not know what the end was, what the standard deviation was, when it was collected, or through what method it was collected, and he does not know what precursor questions were asked. He went on by adding it is one of the few things he is actually somewhat decent at, and he knows when he does not get any cross-tabs, or even presented with the data, it is a BS poll; even if it was a good poll, as a policymaker, he does not think that is the right way to legislate; he appreciates that they went out there and did it, because they put their money where their thoughts were, and that is absolutely wonderful; but he wishes they would have done it in a more constructive way; and if a person wants accurate polling language, or accurate referendum language, he is more than willing to offer that up, but he hopes someone says it is not conservative to buy more land, to tax people, and there is a way to get around that. He advised he does not want to offer his changes, because he certainly hopes someone makes good on the promises that many of the Board Members made when he or she was elected that he or she was going to do their best to hold government spending in check; he will get into more if the Board wants, but prices are at an all-time high right now; not only that, bonding is being talked about; and bonding is scary right now. He stated this is not him, he just wanted to know from the County Financial Advisor if bond prices have changed; they are up more than 50 percent from January of this year; the Fed just raised 75 basis points; it looks like they are probably going to do it again; and God forbid, when the County did bond this money, not only would it be paying a premium for the land, which some politicians and lobbyists may appreciate that, but he does not think taxpayers probably would. He pointed out there was a lot to go over here, but again, this is \$50 million; once this is stretched out over the time period, this is quite a bit more; he appreciates the

Chair's indulgence on this; but he would really appreciate her support; and Commissioner Smith mentioned this does not need to be on the ballot. He stated the Board has the ability to say no; the Board has the ability to change its mind because this does not run out yet; spend the money before it runs out; the Board has done it before; and it can do it again. He went on to say the Board can put this on the ballot next year in 2023, and there would be no loss of revenue; it does not ever need to be on the ballot, and it does not need to be on the ballot this year; he never wants to see it on the ballot; it is a misnomer to say that it needs to be on the ballot this year; and he is open to questions, and he hopes the Board makes a logical, science, math-driven decision on this and not a passionate one because there are passionate people in the audience. He noted he appreciates the people in the audience; and if they win, it goes to show how effective showing up and voicing a person's opinion is.

Chair Zonka noted that is not always true; the Board just had a bunch of sex offenders who called themselves registered citizens who the Board said no to; and she asked if staff could put Commissioner Tobia's slides up again, she wants to have a little fun, if the Board will indulge her.

Commissioner Tobia advised he has another slide.

Chair Zonka inquired if that is the slide nobody received.

Commissioner Tobia stated he did that for a reason; and he asked if staff could put up the fifth slide.

Chair Zonka stated she is going to start calling him Commissioner Lober.

Commissioner Tobia explained he hid a little Eel in each one; he calls them Lucky the Leprechaun Eel, because one could call this land Leprechaun Land as there is no designation for Environmentally Endangered, so he prefers to call this Leprechaun Land; he should have put a Leprechaun up but he did not; and if the Board wants to go over the ballot language, he would be more than happy to do that one. He stated he will pass out the Eel to the Board.

Chair Zonka asked staff to put up the third slide from Commissioner Tobia; she asked to look at the fourth bullet point; she stated she had to point this out because of the extreme nature of somebody's spelling error in one of their presentations to the Board; she thinks it is funny Commissioner Tobia spelled infrastructure incorrectly; and maybe that is a Board joke, if people did not see the meeting with the Westin. She asked if Commissioner Tobia did these slides.

Commissioner Tobia replied his spelling stinks; and he would not have caught that in a million years.

Chair Zonka stated infrastrurcture is a new word.

Commissioner Tobia noted he will not ask for \$30 million; his spelling is not perfect; but he reiterated he did not come to the Board asking for \$30 million, so that is a little bit of a difference.

Chair Zonka stated Commissioner Tobia berated that guy pretty hard for making a spelling error in a slide.

Commissioner Tobia pointed out he spelled his company's name wrong, so when he spells

John Tobia wrong, he deserves to be land blasted.

Chair Zonka mentioned the next slide for purchase versus current value.

Commissioner Tobia asked if he misspelled something, too.

Chair Zonka responded no, it was just something she saw right away with that slide; she stated Commissioner Tobia talked about the Fox Lake Sanctuary and the \$25 million today's value being \$886,000; that is because it is vacant land; it would not have a commercial value; and it is sort of misleading, because if it had a commercial value, the value would be a lot more.

Commissioner Tobia inquired when the County purchased it was it vacant land.

Chair Zonka asked if it was zoned commercial.

Commissioner Tobia stated it was vacant land when it was purchased, and it is still vacant land; it has not changed; there was not Universal Studios on there; there was not homes on there; and the point is that it is untouched.

Chair Zonka pointed out it is Brevard County vacant land.

Commissioner Tobia stated it was purchased for \$25 million; this is not his valuation, it is the Brevard County Property Appraiser's.

Chair Zonka stated it was the Commission that voted on those purchased, like it would vote on everything purchased.

Commissioner Tobia explained this Board has a history of bad decision making.

Chair Zonka stated she has heard good arguments on both sides; she has stated pretty strongly, and Keith can vouch for that conversation, where her concern was the purchase of additional land given that the County needed to do better maintenance and better public access; she will use the example, a great example, of Central Park in New York; it cost the City of New York \$7.4 million in the 1850s; and today the commercial value of that land is \$39 trillion. She went on to state imagine today if a leader had decided to put that land back on the tax rolls for a budget plug, because of being tax-capped, or the people who benefit from going to Central Park every day; she realizes Brevard County may not ever have a Central Park, but decisions made today impact future citizens; the United States bought Alaska, 600,000 square miles from Russia in 1867 for \$7.2 million; it is just some interesting information; and she just does not want this Board to come back in a few decades saying it should not have developed this land, because it is hard to come by. She advised if someone is going to build, she thinks the analogy was used that if someone was to build that land, talking about impact fees and reoccurring taxes like that land, people are still going to build that house, they are just not going to build it on that land; the County is still going to receive those tax benefits and impact fees from that land building in a different location, and not on this land that is EELs property; she does not want to sound like an EELs advocate, but she thinks the Board needs to be careful making statements that are just not entirely accurate, or at least do not have all of the information; the Board talked about the State not recognizing its purchases; and she asked staff to talk about that history with the State, and did they deem these were not good purchases.

Mike Knight, EELs Program Manager, stated the Nature Conservancy when they were a

contractor were told by the State when the Florida Forever monies were drying up, to stop submitting until Florida Forever monies were replenished.

Chair Zonka inquired if that was from the State, and was that State criticism that the County bought land that it should not have scientifically bought.

Mr. Knight responded no.

Chair Zonka asked if the County has a scientific process for selecting EELs properties.

Mr. Knight replied yes.

Chair Zonka stated Mr. Knight does not have to go into a 30-minute diatribe of how the County does that, but maybe a few minutes to talk about how that land is selected.

Mr. Knight explained any application submitted to the Selection and Management Committee, which is the Commission's science advisory board, and they match the criteria in the land acquisition manual, that is a Board-approved document, to the landscape; they do site analysis and site visits; they determine whether it meets that criteria; and if it meets that criteria, it is eligible.

Chair Zonka inquired what happens, other than the County having to take over and maintaining that land, if that land is not maintained or if the County puts 10 percent of it back on the tax rolls, and what is at risk.

Mr. Knight responded when properties were initially acquired they had been sitting 30 to 50 years without active fire rotation, which is what they need to stay healthy; it takes typically 10 to 15 years to get one back into rotation, so if it is not managed, it can be lost in five to eight years; and then, the County would be back to where it was in the beginning with exotics, fire, and those types of things.

Chair Zonka asked if all land purchases come to the Board.

Mr. Knight replied that is correct.

Chair Zonka stated denying people the right to vote on it, at least on this issue because they have voted it through twice, would be doing a disservice; just because Commissioner Tobia, her, or someone else would not agree with the intention of EELs or politics of it, does not mean it is not important to the people who live here; and that is her concern.

Commissioner Smith stated he will reiterate that last statement by the Chair; there are things the Board votes on to give the public the opportunity to vote on, it does not mean the Board supports it or not; he wants the people to have the opportunity vote; what he thinks is the right way to vote or not the right way to vote is not for him to tell the people what they should or should not do; and while Commissioner Tobia is right, when the Property Appraiser is appraising the vacant lands, she is appraising them as vacant land not developable land. He added if this went on the tax rolls and the County wanted to sell this to a developer that could put 300 or 5,000 homes on it, that would be worth a lot more than \$886,000; what Commissioner Tobia is talking about there, is apples and oranges; and he asked the County Attorney if there would be a cost involved to the State if the Board does not continue with the EEL Program; and what would happen with those lands the County already owns.

Christine Schverak, Interim County Attorney, advised there are a lot of legal questions that

come up with that exact scenario; obviously, the County is in contract with the State for a certain portion of these lands; as Commissioner Tobia had noted, there is the possibility to ask the State to be released from that contract; the State does not have to grant that; and there are also provisions that would permit the State to come back to the County if it were to default on the obligations to them, but that would affect just the lands that are currently where the County is in contract with the State. She asked if that makes sense.

Commissioner Smith responded affirmatively; and he stated the reason he is asking is because someone mentioned to him that it could cost the County up to \$30 to \$40 million if it reneged on these deals.

Attorney Schverak stated she is not familiar with where that came from or the basis for that, it would require some more analysis; but certainly, one of the questions for the bond counsel, if the County decides to do that, is what it would do with the bonds if the County then sold the land, what that money could be used for; and she stated there could be strings attached to that.

Mr. Knight stated Commissioner Smith's reference to the \$30 to \$40 million, he thinks that is a reference to the monies that the State has reimbursed the County over-the-years; he thinks where that process is coming from is what would happen if the State provided that money, if the County asked for that money to support the acquisitions and then it decided not to manage the acquisitions that they got the money for; and he does not know the answer to that question.

Commissioner Smith advised it is an interesting question to ask because surely the State may have some thoughts on if they gave the County \$30 to \$40 million to make these deals, and the deals go away; he asked where the County is if the State decides they want some money back; he stated one of the things that impressed him about what he heard tonight from some of the folks who support it is there is roughly a \$5 return on every dollar invested; he does not know if that is true; but it certainly sounds good. He went on to say the average household would pay about \$20 a household for this thing if he or she did vote for it; for him, it is a quality of life issue, because residents do have a great place to live; he thinks that raises property values; he does not think that is a stretch; and he cannot offer scientific documentation or data that would support that. He added one of the people who came up to speak mentioned the view, and why EELs is not protecting all of the wildlife and things that are being driven out of the view; the view for all of those who do not know is a hotel project that is beachside; it is right across the street from the ocean on A-1-A; and he thinks that would be a prime example of why EELs is important to continue, because if there is no EELs Program, what is happening with the view on the beach could happen all over the County. He asked what people will say then if the property he or she cherishes out by the St. Johns River or in the Hammock that is being protected by EELs is now eligible to be a development or a hotel; he stated the EELs are protecting the property; one of the people who is against this project presented a prime example of why it is important for EELs to continue; this is a tax on the people that they will vote on for themselves; and this is one of those rare times when people say this is not taxation without representation, he or she voted for it. He noted if it passes, the residents can proudly say he or she voted for it and got what they wanted; if they did not vote for it, he or she can go back to the drawing board and fight it next time; personally, he thinks without EELs, Brevard County would look like Broward County; he does not want this; and he is very familiar with Broward County. He stated in 1986 he thought Brevard County looked a lot like how Broward County looked back in the early 70s; it was a great place to live; he would not want to live in Broward County; if people spent any time down there, he doubts he or she would want to live there either; and he does not want this County to look like Broward County in 20 years. He pointed out without EELs, he thinks that is a very good possibility; he did like Commissioner Tobia's idea about using TDT monies for maintenance, that was a good idea; he thinks Commissioner Tobia had some other

good ideas as well; whether he votes for it or not is immaterial; there are good reasons on both sides; and he is all for giving the residents the opportunity to vote for or against it.

Commissioner Pritchett stated it is hard not agreeing with Commissioner Tobia as he brought forward a good presentation; she does like putting things on the ballot and letting voters decide, especially if it is a tax; she kind of looked at the history of this and the poll they ran, and when she talks to people, they say they will support that; it is an interesting conversation she has with people about this; and when asking people about the Lagoon, she kind of got 50/50 on it, as they wanted to know how the money was being spent. She went on by saying it has to come back to the Board when the County is purchasing lands; the County has not had any money in a long time when purchasing lands; the Board will really look at it to make sure it is a good purchase; she got to thinking about what could be an issue with EELs purchases if something went haywire; and it could be someone who had an angle to purchase property to drive up the value of the property next to it, and she is sure they would never make that happen because that would be a reason for her to look at it. She noted Fox Lake is North Brevard County's Central Park; anyone who lives in North Brevard County are out there often; the echo-system there is phenomenal; there are gators; it is an amazing place; and she is really thankful the extra money was spent to pick that up. She advised that is worth way more than \$25 million to North Brevard; she reiterated that Commissioner Tobia did a great presentation; she read the ballot language, and Commissioner Tobia would have to tell her if he had some struggles with it, because it seems pretty clear; but she is going to support this tonight.

Commissioner Tobia stated Commissioner Smith brought up a good point that he may not have seen; he asked Attorney Schverak if there is a clause in that contract, maybe Section 28; if she does not want to go through the entire contract, they can go to slide two; it says very clearly in there what the County's responsibilities are; and he asked Attorney Schverak if it does.

Attorney Schverak inquired if he is asking about the surrender of premises.

Commissioner Tobia responded affirmatively.

Attorney Schverak stated that the County can request the surrender of premises.

Commissioner Tobia asked if that is what this says.

Attorney Schverak replied that if the County has no further use for any part if it gives notice; and going a couple of lines down it says, "The release shall only be valid if approved by Lessor."

Commissioner Tobia pointed out he understands; but he asked if the County has the ability to ask the State.

Attorney Schverak responded affirmatively.

Commissioner Tobia asked with six months of notice.

Attorney Schverak replied absolutely.

Commissioner Tobia advised it pays to come prepared on this stuff, whether a person likes the answers or not, they need to be asked; he and Mr. Knight talked about EELs, they talked about science; he could not find a definition in any scientific manual whatsoever of what environmentally endangered lands are; he asked, is that a fictitious term; and he asked if he

would find it in any scientific textbook.

Mr. Knight replied he is not aware of the origins of it.

Commissioner Tobia stated the Board heard how important it is for the Indian River Lagoon or the basin; and he inquired how many pounds of nitrogen or phosphorus are removed because of the EELs land purchases.

Mr. Knight responded no, he cannot.

Commissioner Tobia asked why.

Mr. Knight pointed out their lands are natural shorelines.

Commissioner Tobia advised EELs does not do the calculations.

Mr. Knight replied affirmatively.

Commissioner Tobia asked when they spend for Save Our Indian River Lagoon (SOIRL) lands, that is calculated, is that fair.

Mr. Knight responded yes.

Commissioner Tobia asked when the County makes those decisions, do mayors of towns get bonus points for purchasing land.

Mr. Knight advised he has no idea.

Commissioner Tobia asked if they could maybe.

Mr. Knight replied he does not know.

Commissioner Tobia asked if people who want their land purchased and hire a lobbyist gets preferential treatment.

Mr. Knight replied not that he is aware of.

Commissioner Tobia stated he wants to get to this direct democracy before he goes into the ballot language; Rush Limbaugh said, "America's not a democracy. I think your kids understood that, and unfortunately most people don't. We are a representative republic. We are not a direct democracy;" if a person does not buy Rush Limbaugh, to go back to Alexander Hamilton; Alexander Hamilton said, "The ancient democracies, which the people themselves deliberated, never possessed the feature of one good government. The very character was Tierney, their figure deformity;" and that was said all the way back in 1788. He asked if people make bad decisions; he stated yes, they do; the Constitution is an absolute joke; before everyone gets mad at him, he wants to tell them about the Florida Constitution; and Florida is on its sixth one. He added it is an embarrassment; chaining up pregnant pigs is in the State Constitution right now; other bad decisions voters made had dire consequences that the State saw in its Constitution right now; and the minimum wage, effective in 2020, at \$10 an hour effective all the way up to \$15 by September 30, 2026. He noted another terrible decision that voters made in his opinion; the elected officials did not make this decision, they went the other way and collected signatures; the way it is framed has a lot to do with the outcome; Florida gave

criminals the ability of right to vote back immediately; and voters in Florida because of the way it was written, 64 percent, a red state, said in 2018 to restore the right of Floridians who have committed felonies. He went on by saying thankfully the sexual offenders were not included in that; direct democracy is just a way to shirk responsibility; if it is going to be direct democracy, to not take a paycheck; pass the vote on to the electors; the County cannot pick and choose and that is what is being done here; and he asked why it was not said for the voters to take \$30 million and give it to a Miami developer. He advised it looks like he is going to go down on this one, but he would like to go down fairly, or somewhat fairly, because these folks are asking the question that they want asked, that is not based in science; there is no such thing as EELs; the Board just heard from its science guru that there is no such thing, it does not exist in one paper or science book; instead of Environmentally Endangered, he is calling it Government, because that is what it is; and it should say 'Shall Brevard County issue more bonds (incur debt) to extend the Government Lands program to acquire, improve, and maintain wildlife habitat, wetlands, woodlands, and maintain and improve nature education centers, with citizen oversight, which bonds (debt) will not exceed \$50,000,000 aggregate principal amount, bear interest not exceeding the maximum legal rate, nature twenty years from issuance and are payable from levying increased annual ad valorem taxes not exceeding 0.1465 mills'. He pointed out he has made this much more clear; he has made this scientifically accurate; if the Board does want to turn it over, which he thinks is shirking his or her responsibility, and also not acting in a conservative nature; it should be done in a fair manner, otherwise he or she is playing the exact same games that they are playing by putting this on the ballot, because the words put on the ballot absolutely matter; and the taxpayers should be presented with accurate data. He stated the language is under the limit of 75 words; this is more honest and probably the better unbiased representation what is being asked; and he is not going to vote for it. He stated that is the biggest question for the voters out there; all of the Commissioners get paid the same; people may not like what comes out of his office; and he understands the frustration when people come in with numbers.

Chair Zonka advised she has a book full, and she is happy to take another hour of people's time just to rant and rant; she gets that Commissioner Tobia does not support it, but the point is being belabored; and she has met with staff and put her time in as well.

Commissioner Tobia stated this is the problem with Sunshine, the Board Members all abide by it; he thought he had an inkling worth of chance to have someone say maybe in an environment where interest rates are going up, property values are at an all-time high, that someone will say there needs to be more added taxes when the County has 28,000 acres that the State is not reimbursing it for; he was wrong; if he would have known that, maybe he would not have done that; and he apologized for his passion. He went on to say he saw passion out here, and he greatly appreciates that; he is just asking that if a person wants a fair representation of what people actually think, this provides a much fairer representation; but Chair Zonka is 100 percent right, whatever is put here, he will not be voting for it; this is merely a suggestion; and if she wants to snow the voters with the fake words there that do not exist, by all means go ahead and do that, but it is his job to point out that it is malarkey what is written there.

Commissioner Pritchett stated she wants Commissioner Tobia to know that she knows he is always true to his heart, and she has no qualms with the things he brings or the things that he challenges; she would be willing to look at this, but the problem is if the Board does, it has to have a supermajority vote to vote for it, and he just said he would not vote for it; it kind of hangs a few changes that she does not think would make a big difference in the ballot; and she asked if he was not going to vote for it if the Board changes it.

Commissioner Tobia advised he does not think a supermajority is needed.

Attorney Schverak pointed out this is a majority vote, because the County Charter is not being changed; the only time four is needed is when the Board is doing an amendment to the County Charter.

Chair Zonka stated it is being called a different organization, Government Land and Water Areas; and she asked if the County has that.

Attorney Schverak replied they do not.

Chair Zonka noted it would be changing the Charter, at least she would believe; the County has an EELs Program in place; and the EELs is part of the Charter.

Attorney Schverak stated that is correct, that is not the title the County uses; and she would have to look at the Charter to see if that is in there.

Commissioner Tobia mentioned that is a good point; he has asked bond counsel, so the folks who are responsible for this, the attorneys that look at this, EELs is more consistent, but this is more accurate; either way, just to be clear, if this had required all four Commissioners, he would have said no at the beginning, and that would have been it; he is off the table with this, he has a passion like these other folks do; and his passion is just more on the conservative side of things.

Commissioner Pritchett advised she is good with this but the title of it she would probably call it governmentally protected environmental land, but it does not matter to her; she thinks everybody is familiar with EELs and what they do; she does not mind spelling out \$50 million and that; it was easy for her to understand; and it does not give her a ton of heartburn.

Attorney Schverak stated it has to be 75 words; and she believes what is on the ballot here is 75 words, so if the Board starts changing it, things will have to be changed and added; Commissioner Tobia's language was 74 words; the way he has it structured, he did the word count; and the more it is played with, the more the Board has to be conscious of the number of words.

Chair Zonka asked if this was ever added to the Agenda Packet.

Attorney Schverak replied no.

Chair Zonka stated the Charter Review Commission also has the opportunity to put things on the ballot without bringing it to the Board of elected officials, and those are Board appointments; she likes the idea of using TDT funding for that, but she actually likes more of the idea of using TDT for affordable housing which is a proposal she will bring later; she wanted to see if the affordable housing would get through the Charter Review Commission first versus the Board putting an ordinance in place; and that is something else the Board has talked about.

The Board approved and adopted Resolution No. 22-079, ordering and providing for a Special Election Bond Referendum to be held at General Election on November 8, 2022, on the question as to whether Brevard County should issue general obligation tax bonds not exceeding \$50,000,000 to extend the Environmentally Endangered lands Program for the purpose of funding the acquisition and management of Environmentally Endangered Lands with the bonds to be paid over a period of twenty years from an ad valorem tax levy not

exceeding 0.1465 Mills.

\*The Board recessed at 7:48 p.m. and reconvened at 7:58 p.m.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**Ayes:** Pritchett, Smith, and Zonka

**Nay:** Tobia

L.2. Board Report, Re: Christine Schverak, Interim County Attorney - Previous Motion Clarification of Resolution Intent for Partially Rescinding the Property Assessed Clean Energy (PACE) Program

Christine Schverak, Interim County Attorney, stated at the last Board meeting, the Board voted to partially rescind the Property Assessed Clean Energy (PACE) Program as it applied to residential and non-profit organizations, but leave the Program available for commercial properties; in drafting the changes to the Resolution, a question came up as to whether the Board meant to limit the decision to single-family residential as opposed to all residential, which would potentially include multi-family residential and those developers that use the PACE Program as part of their financing to build their complexes; and she asked for the Board's guidance and direction regarding if the Board's intent was to only apply the rescission to single-family residential, she would request a motion to clarify that the PACE Resolution is to repeal the Program as to single-family residential properties and as to non-profit organizations.

Commissioner Pritchett stated when she was trying to negotiate, she was thinking single-family residential, because other than that, it is going to be a business building a complex.

Commissioner Smith advised he agreed.

Chair Zonka stated that is where she was too.

Commissioner Tobia stated he wants to do away with it all together, but he appreciates the compromise; this clarification does that, so he is going to be with this one as well; he expressed his appreciation to Commissioner Pritchett for the compromise language, it was nothing he saw, and it was a great way to meet in the middle; and he stated he is glad that this clears that up.

The Board clarified the previous motion for Resolution No. 22-067, intent for rescinding in part, Resolution No. 18-040, terminating the PACE Program for single-family residential properties and non-profit organizations.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

L.3. Board Report, Re: Commissioner Rita Pritchett, District 1 - Internal Equity and Market Equity for Merit

Commissioner Pritchett stated the Board was able to allow the County Manager and the County Attorney's Office to work on their income to make it a little more in the market; she was talking

to the County Manager this week about the Directors, and he has some concern about their income not being market either; she wanted, if a motion could be made, to address the value and the internal equity and market equity in the merit, and to allow the County Manager to make appropriate adjustments in the existing budget, without their being any change in the budget; and she asked Mr. Abbate if he can handle that.

Frank Abbate, County Manager, replied that is very clear to him.

Commissioner Tobia stated he is happy that is very clear to Mr. Abbate, that is why he is paid so much more; and the fact Mr. Abbate is in support of it, he supports Commissioner Pritchett.

Chair Zonka asked if the County Manager already has that discretion.

Mr. Abbate advised this is just making it very clear that the Board would like to see him act on that; but yes, he would.

Chair Zonka asked if anyone chastises him if he modifies salaries.

Mr. Abbate noted he appreciates the Board's support; he thinks it is something that is very much needed as the Commissioners indicated; and getting that reaffirmed moving forward, he thinks is helpful to him.

The Board directed the County Manager to address the value in the internal equity and the market equity for market; and authorized the County Manager to make adjustments appropriately in the existing budget, without there being any change in the budget.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

#### Board Report, Re: Commissioner Rita Pritchett, District 1 - Appointee to Tourist Development Council (TDC)

Commissioner Pritchett stated she has one more item she would like to bring up; soon she is going to ask the Board to allow her to make a change to her appointee on the Tourist Development Council (TDC) board; they are all wonderful people on that board, and they are so smart; she realizes in getting appointed on this board that everyone one there is pretty much from Cocoa Beach; if the entire Commission was from District 1, they would all be focusing on District 1; and she takes the blame for this because she did not think about that a lot when she was working on appointees. She went on to say she has been reaching out to people in her District, and she thinks she has found someone who runs the Visitors Center at Kennedy Space Center, they are head of Delaware North, and they have a hotel; she thinks for District 1, it will be a good thing, because he will be focusing on those launches and those things that will bring more of the tourism from other areas of the country and to that area; North Brevard has a beautiful, natural beach that probably needs a little more love as well; she wanted to mention it to the Commission, because she realized looking at the tax dollars coming in and that USSSA could probably use a little more representation; and the Palm Bay and Indialantic areas does not get a lot of it either. She added Districts 2 and 3 are not doing too bad; this is no reflection on the people who are on the board, she thinks they are very smart; she very much appreciates them; but she is bringing back to the Commission; she really needs to make this change for District 1; and it is all about getting the diversity on there.

Chair Zonka asked if Commissioner Pritchett needs a majority or supermajority vote on this.

Christine Schverak, Interim County Attorney, advised a simple majority vote.

Chair Zonka pointed out she does not even remember who Commissioner Pritchett's appointee is, but she trusts her judgment.

Commissioner Pritchett stated he is a really wonderful person, it is hard to do it.

Chair Zonka noted she would just make sure because that board has a requirement.

Commissioner Pritchett stated this is an exact trade out, it is hotelier for hotelier.

Chair Zonka stated she does not have a problem supporting that.

Commissioner Smith stated Commissioner Pritchett mentioned him changing his appointee, he had already spoken to USSSA last week, because his appointee, she works in the hotel industry, but he thinks she is in Commissioner Pritchett's District, so he was thinking the same way, he would like to have someone from District 4, because he does not have anyone; USSSA brings in tons of room nights; and he talked to the Interim County Attorney, and she said there would have to be some sort of clarification.

Attorney Schverak stated it is just that they are under contract with the County, so there would have to be a conflict waiver that would have to come through the Board; but it can be done.

Chair Zonka mentioned she thinks that board by design is conflicted.

Commissioner Smith asked if that is something the Board can do tonight.

Attorney Schverak advised the Board can vote on that appointment tonight, and then the next time, the contract waiver can come back to the Board.

Commissioner Smith asked if Commissioner Pritchett wants to combine the two; and that would be up to the Attorney Schverak, because he does not know if it can be done.

Commissioner Pritchett asked if the Board needs applications ready to turn in.

Attorney Schverak explained generally the Board puts it under the appointments part of the Agenda.

Commissioner Smith stated it can be done at the next meeting.

Commissioner Pritchett pointed out that also gives the Board Members some time to listen to people; she cannot call them because she is on the board; and she has the greatest respect for these people, she really does.

Chair Zonka stated she understands where Commissioner Pritchett is coming from, because of where some of that spending is, and seeing in some of the areas that probably should be getting a little bit more attention.

Commissioner Pritchett advised if she was there, and she lived there and worked there, she would do the same thing; a person has to love where he or she lives; and to do the best to do

those things, she gets it.

Commissioner Tobia advised his TDC appointee is Keith Winston; he does not live in District 4; and he certainly has a large portion of District 4. He expressed his appreciation to the Chair for not appointing him to the TDC; he stated that was one long meeting; he thanked Commissioner Pritchett for being the appointee and taking that so seriously; it is extremely unfortunate the way she was treated; and there is really no excuse for that. He added he lost big time up here today, and he and Commissioner Pritchett will live to fight another day; he and she will work together and find compromise; he just thinks those folks need to learn a little bit better on how to lose graciously; not that he does it well; but he is better at it than he was. He stated just to give the rest of the Board this, he showed up, and under Public Comment, he was under three minutes; he would like to offer that same grant the Board offered Driftwood, to the rest of the Tourist Development collectors; he brought this to the meeting on the July 27, 2022; he asked if this was something that interested them, they could discuss, and they could bring back; that was the first shot of everything; and to pardon him if there is any spelling errors, but he is the absolute worst speller. He went on by saying he just wanted to give everyone a heads up that he had presented that; it is interesting how it will turn out; but he is not going to come to the Board unless he hears something from them.

L.4. Board Report, Re: Commissioner John Tobia, District 3 - Letter Sent to a Former County Attorney

Commissioner Tobia stated he wants to speak about something that was on the front page of today's newspaper, the letter that was sent to the former County Attorney; Chairman Randy Fine had been very concerned with the lobbying ethics that were in place in Brevard County; it is a little bit unfortunate because most of that came out of his office when he was first elected; he thinks his intent was for it to go a little bit further; and he has no problem with that. He is asking if the Board wants to go any further with the State's audits of income of lobbyists, and verifies whether or not that is accurate; he stated they do that randomly; he is more than willing to go in that direction; he just wanted to let the Board and Chairman Fine know there are some regulations in place; and those had to be enforced with a letter that went out. He expressed his appreciation to the County Manager for fulfilling that Ordinance, and sending that letter; he stated ideally, he hopes that this never happens again, but should it, he wants to let the Board know he is open to any changes if it wants to make it any stricter; he thinks the Board had a good starting place; but it is there.

Board Report, Re: Commissioner John Tobia, District 3 - Letter from Brigadier General Steven G. Purdy

Commissioner Tobia stated his office received a random letter from the County Manager, and he had no idea what the heck it was; the County Manager made a great move by forwarding it to the Board; at the beginning of July the Board received, he is guessing a well-intentioned, but severely misinformed letter from Brigadier General Steven G. Purdy of United States Space Force; mentioned in this letters were facilities pending County approval and waivers of certain zoning restrictions; and the Board was asked to expedite the necessary permitting. He went on by saying national defense and security was mentioned; obviously, this probably raised some hairs on the backs of the Commissioners heads, as it did his; not only that, but one of his former employees is in that department; they immediately jumped on it; and he received another letter, which is a thank you in all honesty. He pointed out there were no applications in Planning and Development at all; this was not an acceptable letter, because it blamed the County and eluded to the fact it was impeding on, like he said, national security, so this is just a thank you to the follow-up letter and the apology the County received recently clearing the air that, in fact, County staff was responsible and professional, and were not holding up any parts of the process; this just goes to show that County staff does an outstanding job balancing everything the Board brings forward, along with all of the routine jobs that require to perform

the County to function properly; he expressed his appreciation; and he noted, the County was right, its staff works really darn hard. He mentioned he is extremely proud of them, and so is Brigadier General at the United States Space Force; and he greatly appreciates staffs hard work, things the Board does not even know.

#### Board Report, Re: Commissioner John Tobia, District 3 - Register for Program Allowing Proximity for Businesses that Cater Towards Kids

He stated he was disappointed to hear that no one had registered for that program that would allow for proximity for businesses that cater towards kids; it came out of his office; he was going to send it to those businesses to let them know they had the option to do that; he asked if the Board would like that to be singularly from his office, or as a Board, just giving them the address if they want to and what it entails; it is completely up to the Board Members; and it would not be sending it to another government agency, so he would not have to put the disclosure. He went on to say he does not want to be sending things into the other Commissioners Districts.

Commissioner Pritchett stated she is good.

Commissioner Smith stated he thinks it is a terrific idea.

Chair Zonka stated she thinks it should probably come from the Board, because it may be a little more accepted.

Commissioner Tobia advised the Board he will draft a letter, send it to the Chair, and he will identify any of the businesses that are in his District that he is aware of; the other Districts, he hopes the Commissioners would do the same; if all of the Districts get it to the Chair, maybe it can be cut and pasted and send it out to the Districts; he appreciates those folks bringing it forward that no one has taken advantage of that; and he thinks it is the Board's job to let folks know it has the intentions of keeping kids as safe as possible. He expressed his appreciation to the Board for putting up with him for one hour and one-half today, even though he lost badly today.

Chair Zonka asked if the County Manager wants the Board to come through his office.

Frank Abbate, County Manager, replied yes, he wants to check the spelling and the content just to make sure.

#### L.5. Board Report, Re: Commissioner Curt Smith, District 4 - Increasing Term Limits for County Commissioners

Commissioner Smith stated he wonders if the other Commissioners would be interested in putting something on the ballot; this would be the last opportunity; some background, when he was a candidate for the first time, he, like most people in this County, did not know much about being a County Commissioner or what was involved; he says that in all sincerity because 90 percent of the people whose doors he knocked on, it is documented he knocked on about 7,500 doors that first time, they were more versed in national politics, because they see national politics on television; and they do not get a lot of politics locally. He went on to say as he has been in this job, and he is a big, big term limit guy, he sees from his perspective it would not be a bad idea if there were three terms available for Commissioners; he has not said anything prior to this because he thought the Charter Review Commission would bring it up; but interestingly enough, they are going in the opposite way; he understands they want to limit people to two terms; unlike now, the Commissioners can sit two terms, sit out one term, and run again if he or she wants; and the Board can vote on it tonight, and it could be put on the ballot. He explained there is no reason to belabor the point if the rest of the Board does not

have any interest, so he would like to hear what the other Commissioners have to say; and he asked the County Attorney if she can weigh in with what has to be done tonight. Christine Schverak, Interim County Attorney, stated it is a four-person vote; once the vote is done on ballot language, it would be sent to the three-person panel; they check over the required items in the Charter if it is a single-topic, is it more in-line with the Florida Constitution, and other general laws; if they get the thumbs up, it can then be brought back to the Board in a resolution form on August 16, 2022, because obviously, the resolution is not prepared tonight; and whatever that ballot language is, it would be a way the Board can go about it. She pointed out the final vote on the resolution can be at the next Commission meeting.

Commissioner Smith inquired if it goes on the ballot and it passes, would it allow these three Commissioners to run two years from now.

Attorney Schverak replied she does not know if Commissioner Smith has presented what his proposal is yet.

Commissioner Smith noted his proposal is to allow or permit Commissioners to run for three consecutive terms.

Attorney Schverak advised all of the Commissioners who have served two terms, it would seem he or she could come back for the additional third term.

Commissioner Smith stated not him, but these three could, because they would be up for election in two more years if this passes.

Attorney Schverak stated right.

Commissioner Pritchett stated she is glad Commissioner Smith brought this up, because she was thinking about it, and she is glad he did it, because he is on his way out; she does like this idea, but it would have to be all four of the Commissioners or it will not happen at all; it is going to be sad to lose Commissioner Smith in a couple of months; the first few years, she does not know because the rest of the Board is smarter than she is, they picked it up quickly, but it took her a couple of years even to figure out, to go through the billion dollar budget, develop the relationships, figure it out what is going on, and to get it rolling in the first four years; and she feels like she is doing it a little more effective since the last few years. She went on to add it is not something she would want to do forever, but she can really see the benefit to the community to have Commissioners in for three terms; the City of Titusville City Council does not even have term limits; she does not have any problem with it; she understands the career with it; and she does not think 12 years is a career. She pointed out as smart as the rest of the Board is, he or she actually got better in the last two years as well; what she loves about the current Board, and she would love it if this did go through and he or she all did this again; they do not agree all of the time; they have a great relationship; they speak this out in public; and they do his or her homework. She went on to say she has never served with better people in her whole life than the people up here; she would support this and be tickled if the Board did it; those are the reasons why; she knows each Board Member is missing opportunities out there; it has cost her family; and it has cost other career opportunities. She expressed her appreciation to Commissioner Smith, because he would not even enjoy the opportunity to be with the rest of the Board again.

Commissioner Smith stated one other point in doing a little research on this, and again, he is a term limit guy, but there would still be term limits of three; hopefully, if there is a Commissioner that has done a good job, he or she would get re-elected, but the opportunity would still be

there to not re-elect a Commissioner; like Benjamin Franklin said, "Fish and visitors have something in common, they both start to smell after a few days;" the same thing could be said about Commissioners he guesses; and of the 67 counties in the State of Florida, only nine of them have term limits for Commissioners. He continued by saying six have three term limits, and three have two term limits, so Brevard County is one of the three who have two term limits, so it is not something everybody has.

Chair Zonka stated Brevard County is probably one of the lower paid Commissions.

Commissioner Smith stated the was the other thing he was thinking about, to see if maybe just a cost of living increase could be put on Commissioners salaries; if that were to be done, to put a limit on it so if it ever got to be what other Commissioners are getting, because he has talked to other Commissioners around the State, and most of them are making \$80,000 to \$90,000 a year; Brevard County is way behind; he or she is not doing this because of the paycheck; and he or she would not be there in the first place if that was the case. He noted he thinks the public realizes the Board Members work really hard for what he or she makes, so he does not think it would be ridiculous to ask to vote on a cost of living increase.

Commissioner Tobia stated this is where he would like to horse trade; he would have to think about it; he made a promise when he ran, which was an easy promise to make, because there were only two terms; he is gone either way, which should make a lot of people happy even if this did go through; he reiterated he made a promise to folks that he would not raise taxes, and he would only serve eight years; and he will have to swallow that argument the rest of the Board made about direct democracy, and he is just challenging it the entire time. He went on by saying the Board needs to give him a day on this one, and he could send a position paper out on this one; the Statute has the maximum that Commissioners can make; it is based on population; he thinks that is probably an issue when certain Commissioners, now representative, capped it, he did not put in a cost of living; and there are a lot of issues here about getting qualified candidates that can dedicate full-time on a salary that is comparable. He continued by saying as long as the current Board Members were not going to benefit from that, he thinks that would probably be something that would be good to pass onto the voters; again, he would have to think about that one; if he would benefit one penny from it, there is absolutely no way he would want to put that on the ballot; but for future Commissioners, he would think that a cost of living that would be tied; and he thinks the School Board may do something that is pretty darned similar with theirs.

Frank Abbate, County Manager, stated there are two items; one, there is currently a Charter provision that deals with the Commissioners salaries that talks about every two years is the time under the current Charter provision that an adjustment can be made; no Board has done that in a lot of years; off of the top-of-his head, the Board can only go up to Consumer Price Index (CPI) or Cost of Living Adjustment (COLA); the Board could never catch up to where the salaries are by the State; and that whole provision, relative to come up with new language if the Board is interested in that being looked at, staff would have to look at it to see how it can be done, because there is language that deals with salaries in there. He added the second item is if the Board decides to talk about, and would like to, just for a timing aspect, that Thursday at 1:00 is the next Charter Review Commission where they are going to deal with that issue of the term limits, so the Board is going to have the meeting after that in the evening, which may give it the opportunity to know exactly where things are.

Commissioner Smith stated if the Board were to decide to do that this evening, then he would have to counsel his fellow Commissioners to reach out to his or her current appointees to make

sure the Charter Review Commission does not counter what the Board is doing. He asked if the Board can come back on Thursday night.

Attorney Schverak advised the Board can certainly come back on Thursday night; she would not wait until the 16th because the Board has to go to the three-member panel.

Chair Zonka stated the Board talked about this before, but she would never want to be the one to try to benefit from that salary change; but she believes there is value in providing a salary that is equal to the work that is being expected of their Commissioner; if she does not personally benefit from it, she is happy to support anything that comes back as far as salary changes for future Commissioners; if there are Commissioners up here that want to run for a third term, she would be more than happy to put that to the voters; and she will not be running for a third term.

Commissioner Smith noted put it out to the voters and let them vote; he thinks it is a good idea, but the voters may not; they will not have an opportunity to vote on it unless this Board gives it to them; when he ran the first time he had no idea what was involved in this job; and they are far more effective in the second term, because he or she knows so much more.

Chair Zonka pointed out that no one blinks an eye at the constitutional offices that have no term limits; and it is sort of like the legislature who has no Sunshine Law, but the Board does.

Commissioner Pritchett noted she wishes the Board did not have such a hard Sunshine; not that the Board makes deals in private; it is a lot easier to fuss at each other offline than to do it in public; she stated it will break her heart if the rest of the Board does not make the opportunity again later; she does not mind an increase with future Commissioners; and she does not want to benefit from it either.

Chair Zonka stated maybe the language could go back to the way it was before, before the good representative changed it; and she always admires the people who are independently wealthy who says he or she does not need that much money.

Commissioner Pritchett stated also to get good people running for these seats who are qualified, and the other Commissioners are definitely qualified, the opportunity costs have to be paid that a lot of people are missing; and a person gets what he or she pays for.

L.6. Board Report, Re: Commissioner Kristine Zonka, District 5, Chair - County Award for One of Florida's Space Coast Great American Defense Communities

Chair Zonka stated she does not know if the rest of the Board heard, but the Economic Development Council applied for the County, through USAA, and the County was actually nominated and awarded one of Florida's Space Coast Great American Defense Communities, based on its love and commitment to its military; a number of veterans, active and retired, are living here; it is pretty awesome, a pretty big honor, and they were pretty excited to come out and talk to everyone about it, so the County is getting an award; she will bring back that information; and she always prides herself to tell everyone she is from a community who supports the military.

Commissioner Smith stated these folks who are in the military and serve all over the country, to a single person, they will tell people when going to a Civilian-Military (Civ-Mil) it is the tightest community that any city has; and the Board works very well with its military.

The Board adjourned at 8:33 p.m.

ATTEST:

\_\_\_\_\_  
RACHEL SADOFF, CLERK

\_\_\_\_\_  
KRISTINE ZONKA, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

Rollcall

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 3  
John Tobia, Commissioner District 4 Curt Smith, and  
Commissioner District 5 Kristine Zonka